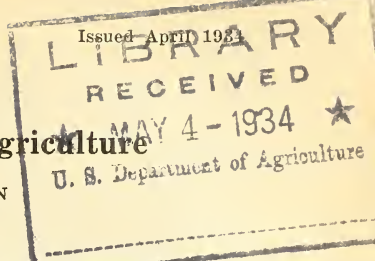


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# United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

20751-20875

[Approved by the Acting Secretary of Agriculture, Washington, D.C., March 24, 1934]

**20751. Misbranding of jellies. U. S. v. The Red Wing Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 29444. I. S. no. 39841.)**

This case was based on an interstate shipment of various kinds of jellies, sample jars of which were found to contain less than 8 ounces, the declared weight.

On February 27, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Red Wing Co., Inc., a corporation, trading at Fredonia, N.Y., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about August 28, 1931, from the State of New York into the State of Connecticut, of a quantity of assorted jellies that were misbranded. The articles were labeled in part: (Jars) "Willow Brook Apple-Pectin \* \* \* Jelly \* \* \* Manufactured and Guaranteed by The Red Wing Company, Inc., Fredonia, N.Y. 8 Ozs. Adv. Net."

It was alleged in the information that the articles were misbranded in that the statement "8 Ozs. Adv. Net", borne on the label, was false and misleading, and for the further reason that they were labeled so as to deceive and mislead the purchaser, since the jars contained less than 8 ounces. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 31, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20752. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 29072. Sample no. 12507-A.)**

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 29, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about September 15, 1932, by the Farmers Cooperative Creamery, from Greeley, Iowa, to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On October 24, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution for consumption and not for sale.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20753. Adulteration of canned salmon. U. S. v. 598 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29532. Sample no. 21010-A.)**

This case involved an interstate shipment of canned salmon that was in part decomposed.

On November 23, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 598 cases of canned salmon at South Philadelphia, Pa., alleging that the article had been shipped by the F. A. Gosse Co., Seattle, Wash., on or about September 30, 1932, and had been transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pink Rose Brand \* \* \* Pink Vacuum Packed Salmon \* \* \* Distributed by F. A. Gosse Company, Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On February 28, 1933, no claimant appearing of record, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20754. Misbranding of gray shorts and screenings. U. S. v. Humboldt Milling Co. Plea of guilty. Fine, \$20. (F. & D. no. 29488. I. S. nos. 17480, 17482.)**

This case was based on the interstate shipment of quantities of feed that contained less crude protein, and a portion of which also contained more crude fiber than declared on the label.

On March 6, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Humboldt Milling Co., a corporation, Humboldt, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 5, 1932, and April 12, 1932, from the State of Tennessee into the State of Mississippi, of quantities of gray shorts and screenings that were misbranded. The article was labeled in part: "Grey Shorts and Screenings Made By Humboldt Milling Co. Humboldt, Tenn. Guaranteed Analysis Crude Protein, not less than 16.00%, \* \* \* Crude Fibre, not More than 6.00%."

It was alleged in the information that the article was misbranded in that the statement, "Guaranteed Analysis Crude Protein, not less than 16.00%", with respect to both lots, and the statement, "Crude Fibre, not more than 6.00%", with respect to one lot, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the article contained less than 16 percent of crude protein, and the said lot contained more than 6 percent of crude fiber.

On March 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a penalty of \$20 in lieu of fine and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20755. Adulteration and misbranding of evaporated apples. U. S. v. William H. Packard. Plea of guilty. Fine, \$25. (F. & D. no. 29408. I. S. nos. 37235, 37236.)**

This case was based on an interstate shipment of evaporated apples that contained excessive moisture.

On December 30, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against William H. Packard, of Rochester and Medina, N.Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 20, 1931, from the State of New York into the State of Florida, of a quantity of evaporated apples that were adulterated and misbranded. The article was labeled in part: (Box) "Orleans Brand Evaporated Apples Packed By W. H. Packard, Rochester, N.Y."

It was alleged in the information that the article was adulterated in that an excessive amount of water had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and in



that a product, insufficiently evaporated apples, had been substituted for evaporated apples, which the article purported to be.

Misbranding was alleged for the reason that the statement "Evaporated Apples", borne on the boxes, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the product was not evaporated apples but consisted of insufficiently evaporated apples, namely, a product containing excessive water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, evaporated apples.

On March 17, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20756. Adulteration and misbranding of butter. U. S. v. Joseph Kenneth Martin (Lortin Farms Creamery). Plea of guilty. Fine, \$50.**  
(F. & D. no. 29422. Sample no. 5513-A.)

This case was based on a shipment of butter that was deficient in milk fat and short weight.

On February 4, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Joseph Kenneth Martin, trading as the Lortin Farms Creamery, East Saugatuck, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about May 9, 1932, from the State of Michigan into the State of Illinois, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Lortin Farms Pure Creamery Butter East Saugatuck, Michigan one pound net weight."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter \* \* \* one pound net weight", borne on the label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the article was not butter as defined by law, and the packages contained less than 1 pound net weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 4, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20757. Adulteration of oysters. U. S. v. Walter V. Wentworth and Raymond T. Wentworth (O. E. Wentworth & Co.). Plea of guilty. Fine, \$30 and costs. (F. & D. no. 29419. I. S. nos. 50046, 50831, 52122.)**

This case was based on interstate shipments of oysters that contained excessive water.

On March 13, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Walter V. Wentworth and Raymond T. Wentworth, copartners, trading as O. E. Wentworth & Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 17, 1932, from the State of Maryland into the States of Ohio and Michigan, of quantities of oysters that were adulterated. The article was labeled in part: "Oysters \* \* \* Packed by O. E. Wentworth & Co., Baltimore, Md."

It was alleged in the information that the article was adulterated in that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for oysters, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, oyster solids, had been in part abstracted.

On March 14, 1933, defendant Walter V. Wentworth appeared and entered a plea of guilty to the information, and the court imposed a fine of \$30 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20758. Misbranding of strawberry jelly. U. S. v. Hunt Bros. Packing Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. no. 29377. I. S. no. 12784.)**

This case was based on an interstate shipment of a product, labeled strawberry jelly, which was found upon examination to consist of a strawberry pectin jelly, deficient in fruit juice. The statement on the label, "Pectin Added", did not appear in connection with the name and did not apprise the purchaser of the deficiency in fruit juice.

At the February 1933 term of the United States District Court for the Western District of Washington, the United States attorney filed an information against the Hunt Bros. Packing Co., a corporation trading at Puyallup, Wash., alleging shipment by said company on or about October 17, 1931, from the State of Washington into the State of Louisiana of a quantity of strawberry jelly that was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Hunt's Supreme Quality Strawberry Jelly, Hunt Brothers Packing Co. \* \* \* San Francisco, Cal. \* \* \* Pectin Added."

It was alleged in the information that the article was misbranded in that the statement "Supreme Quality Strawberry Jelly", borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser since it was not supreme quality strawberry jelly but was a strawberry pectin jelly deficient in strawberry substance. Misbranding was alleged for the further reason that the article was strawberry pectin jelly and was offered for sale under the distinctive name of another article.

On February 18, 1933, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20759. Adulteration and misbranding of butter. U. S. v. Watervliet Cooperative Creamery Association. Plea of guilty. Fine, \$50. (F. & D. no. 29429. Sample no. 4153-A.)**

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On March 14, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Watervliet Cooperative Creamery Association, a corporation, Watervliet, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 10, 1932, from the State of Michigan into the State of Illinois, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Everbest Sweet Cream Butter Hollister's Everbest Creamery Butter \* \* \* Delivered to your Dealer Creamery Fresh by John Sander, Inc. \* \* \* Chicago, Ill."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled butter so as to deceive and mislead the purchaser, since it was not butter as defined by law.

On March 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20760. Adulteration of butter. U. S. v. Alfred Sjöberg (Bridgewater Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. no. 29446. Sample no. 3558-A.)**

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On March 1, 1933, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States an information against Alfred Sjoberg, trading as the Bridgewater Creamery Co., Bridgewater, S.Dak., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 14, 1931, from the State of South Dakota into the State of Iowa, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On March 16, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20761. Adulteration and misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$25. (F. & D. no. 29334. I. S. no. 47796.)**

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On November 11, 1932, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Sugar Creek Creamery Co., a corporation, trading at Indianapolis, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 26, 1932, from the State of Indiana into the State of Ohio of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Carton) "Jersey Lily Brand Creamery Butter \* \* \* Distributed by Sugar Creek Butter Company of Florida, Orlando, Florida."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat.

Misbranding was alleged for the reason that the statement "Butter", borne on the carton, was false and misleading, and for the further reason that the article was labeled butter so as to deceive and mislead the purchaser, since it was not butter as defined by law.

On March 1, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20762. Adulteration of canned shrimp. U. S. v. 1,000 Cases of Canned Shrimp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 28540. Sample no. 1556-A.)**

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed.

On July 27, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 1,000 cases of canned shrimp, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about April 27, 1932, by the Dorgan, McPhillips Packing Corporation, from Mobile, Ala., to Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Gulf Kist Brand Fancy Medium Shrimp \* \* \* Packed by Dorgan, McPhillips Packing Corp., Mobile, Ala."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 24, 1933, the Dorgan, McPhillips Packing Corporation, having appeared and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20763. Adulteration of apples. U. S. v. 24,000 Pounds of Apples. Default decree of destruction. (F. & D. no. 29961. Sample no. 35103-A.)**

This case involved an interstate shipment of apples that bore arsenic and lead in amounts that might have rendered them injurious to health.

On February 25, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 24,000 pounds of apples at Cincinnati, Ohio, consigned by R. A. Watson, receiver, from Neoga, Ill., February 13, 1933, alleging that the article had been shipped in interstate commerce from Neoga, Ill., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained arsenic and lead, added poisonous or deleterious ingredients.

On February 28, 1933, no claimant having appeared for the property, and the court having found that the product was rapidly deteriorating and was unfit for human consumption, judgment was entered ordering that it be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20764. Misbranding and alleged adulteration of canned shrimp. U. S. v. 34 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29094. Sample no. 20383-A.)**

This case involved a quantity of canned shrimp that contained excessive brine and was short weight.

On October 19, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 34 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about September 24, 1932, by the Nassau Packing Co., from Jacksonville, Fla., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Musketeer Nassau Shrimp Net Weight Wet Pack 5¾ ozs."

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for the article.

Misbranding was alleged for the reason that the statement "Net Weight \* \* \* 5¾ Ounces", borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 13, 1933, the Nassau Packing Co., Jacksonville, Fla., having appeared as claimant for the property, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture. The decree provided that the product be released to the claimant upon payment of costs and the deposit of cash surety in the sum of \$200, conditioned that it be relabeled, and should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20765. Adulteration of canned salmon. U. S. v. 1,084 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28958. Sample no. 14646-A.)**

This case involved a quantity of canned salmon that was in part decomposed.

On September 24, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 1,084 cases of canned salmon at San Francisco, Calif., consigned by Libby, McNeill & Libby, alleging that the article had been shipped in interstate commerce, on or about September 3, 1932, from Seattle, Wash., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Happy-Vale Brand Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 8, 1933, the Copper River Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20766. Adulteration of canned sardines. U. S. v. 41 Cases and 30 Cases of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29652, 29664, 29665, 29666. Sample nos. 16758-A, 16764-A.)**

These cases involved an interstate shipment of canned sardines that were in part decomposed.

On or about December 29, 1932, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 71 cases of canned sardines, in part at Houston, Tex., and in part at Galveston, Tex., alleging that the article had been shipped in interstate commerce on or about October 12, 1932, by the Van Camp Sea Food Co., Inc., from Terminal Island, Calif., into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Packed by Van Camp Sea Food Company, Inc., Terminal Island, Calif., \* \* \* Van Camp's Sardines."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On March 17 and April 11, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20767. Adulteration of canned salmon. U. S. v. 5,000 Cases, et al., of Canned Salmon. Portion of product condemned and destroyed. Remainder released under bond for segregation and destruction of all cans containing decomposed salmon. (F. & D. nos. 28921, 28949, 28965, 28973. Sample nos. 12922-A, 12925-A, 25001-A, 25002-A, 25010-A, 25011-A, 25012-A, 25014-A, 25017-A, 25019-A.)**

These cases involved several large shipments of canned salmon that was found to be in part decomposed.

On September 16, 22, 27, and 28, 1932, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 17,759 cases of canned salmon at San Francisco and Belvedere Island, Calif., alleging that the article had been shipped by the Bristol Bay Packing Co., in part from Kyichak, Alaska, and in part from Bristol Bay, Alaska, on or about August 14 and August 15, 1932, and charging adulteration in violation of the Food and Drugs Act. Certain lots were labeled: "Mariner's Flag Brand Fancy Red Alaska Sockeye Salmon Packed by Alaska Salmon Company, at Bristol Bay Alaska"; or "Alaska Bear Brand Red Alaska Sockeye Packed by the Bristol Bay Packing Company at Bristol Bay, Alaska." The remainder was unlabeled except for certain identifying codes.

The libels alleged that the article was adulterated in that it consisted in part of a decomposed animal substance.

The Bristol Bay Packing Co., Bristol Bay, Alaska, and San Francisco, Calif., appeared as claimant in all cases. On March 13, 1933, the libel filed September 27, 1932, came on for hearing and judgment was entered condemning and ordering destruction of one lot consisting of 70 cases, and ordering that the remainder covered by the libel, i.e., 4,430 cases, be released to the claimant upon payment of costs and the execution of a bond in the sum of \$23,000, conditioned that the cans be opened and all salmon found to be decomposed be destroyed and the good portion recanned. The decree further provided for re-examination of the recanned salmon and for exoneration of the bond unless this Department should certify that it was at that time in part decomposed, in which event the case would be set for trial.



On May 10, 1933, the remaining cases were terminated upon the entry of orders releasing the product for recanning, except so much as this Department should certify might be released without opening and examining, the orders also containing provision for destruction of the unfit portion and reexamination.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20768. Misbranding of cottonseed screenings. U. S. v. Eufaula Cotton Oil Co. Plea of guilty. Fine, \$25. (F. & D. no. 29372. I. S. no. 45598.)**

This case was based on an interstate shipment of cottonseed screenings that contained less protein than stated on the invoice. The article was shipped in used unturned sacks labeled "Granulated Sugar."

On December 12, 1932, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Eufaula Cotton Oil Co., a corporation, Eufaula, Okla., alleging shipment by said company, on or about November 2, 1931, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed screenings that were misbranded in violation of the Food and Drugs Act. The article was invoiced "43% Protein."

It was alleged in the information that the article was misbranded in that it contained less than 43 percent of protein and was offered for sale under the distinctive name of another article, "43% Protein Cottonseed Screenings." Misbranding was alleged for the further reason that the statements on the sacks, "100-Lbs. Net Great Western Sugar Company Pure Table & Preserving Granulated Sugar", were false and misleading since the article consisted of cottonseed screenings manufactured by the defendant.

On February 21, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20769. Adulteration and misbranding of tomato catsup. U. S. v. 327 Cases, et al., of Tomato Catsup. Product released under bond to be relabeled. (F. & D. nos. 27258, 27262. I. S. nos. 39213, 39218. S. nos. 5421, 5430.)**

The product in these cases consisted of tomato catsup that contained gum that had been added as a thickener.

On November 18, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 436 cases of tomato catsup, in part at McKeesport, Pa., and in part at Monessen, Pa., alleging that the article had been shipped in interstate commerce on or about January 16, 1931, by the Naas Corporation from Sunman, Ind., into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was sold under two labelings, in part as follows: (Bottles, "Na-Co Brand Tomato Catsup \* \* \* Made by the Naas Corporation, Cohocton, N.Y."; "Steuben Brand Tomato Catsup \* \* \* Made by Naas Corporation, Sunman, Ind.")

It was alleged in the libels that the article was adulterated in that tomato catsup containing added gum had been substituted in part for the articles.

Misbranding was alleged for the reason that the statement "Tomato Catsup", borne on the labels, was false and misleading when applied to tomato catsup containing added gum. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

The claimant, the Naas Corporation, Sunman, Ind., filed a petition admitting the allegations of the libels and consenting to the entry of decrees of condemnation and forfeiture, and prayed that the product be released for shipment to Sunman, Ind., to be relabeled. On November 21, 1932, decrees were entered ordering release of the product under bond, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20770. Misbranding of hominy feed. U. S. v. 29 Bags of Hominy Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29634. Sample no. 17793-A.)**

This action involved an interstate shipment of hominy feed which contained less protein and fat and more fiber than declared on the label.

On December 16, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States a libel praying seizure and condemnation of 29 bags of hominy feed at Chewsville, Md., alleging that the article had been shipped in interstate commerce, on or about August 23, 1932, by the Allen & Wheeler Co., from Troy, Ohio, into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Trojan Hominy Feed Analysis Protein 12.00%, Fat 6.00%, Fibre 8.00% \* \* \* The Allen & Wheeler Co., Troy, Ohio."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Protein 12.00%, Fat 6.00%, Fibre 8%", were false and misleading and deceived and misled the purchaser.

On February 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20771. Adulteration and misbranding of confectionery. U. S. v. 28 Cases of Confectionery. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 29598. Sample no. 2517-A.)**

This case involved an interstate shipment of small packaged candy consisting of strawberry-, vanilla-, and chocolate-flavored bars. The strawberry and vanilla bars had no recognizable flavor of strawberry or vanilla and the strawberry bars were also artificially colored. The articles contained little or no eggs, one of the declared ingredients, and also were short of the declared weight.

On December 12, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 28 cases of confectionery at Denver, Colo., consigned by Mars, Inc., Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 19, 1932, from Galewood, Ill., to Denver, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cases) "The 3 Musketeers, Chocolate, Vanilla, Strawberry. 3 bars in a package \* \* \* Mars, Inc., Chicago, Ill."; (retail packages) "The 3 Musketeers Over 1/4 pound \* \* \* Net Weight 4 1/8 Oz. Made with Fresh Eggs \* \* \* Milk."

It was alleged in the libel that the article was adulterated in that an artificially colored confection having no recognizable strawberry flavor had been substituted for the strawberry bar, and in that a confection having no recognizable vanilla flavor had been substituted for the vanilla bar. Adulteration of the strawberry bar was alleged for the further reason that it had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the label, "Vanilla, Strawberry" and "Net Weight 4 1/8 Oz. \* \* \* Fresh Eggs", were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On February 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be distributed to charitable institutions.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20772. Adulteration of dried apples.. U. S. v. 11 Boxes of Dried Apples. No claim entered. Verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. no. 29583. Sample no. 26206-A.)**

This case involved an interstate shipment of dried apples that were found to be dirty, decomposed, and insect-infested.

On December 2, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 11 boxes of dried apples at Shreveport, La., alleging that the article had been shipped in interstate commerce by Claypool & Hazel from Springdale, Ark., to Shreveport, La., on or about October 1, 1932, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Morning Glory Brand Evaporated Apples, packed by Claypool & Hazel, Springdale, Ark."



It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On February 20, 1933, no claimant having appeared for the property and a jury having found that the allegations of the libel were true and correct, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20773. Adulteration and misbranding of butter. U. S. v. Frye & Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29473. I. S. nos. 23305, 23315. Sample nos. 1333-A, 1704-A.)**

This case was based on several shipments of butter that was short weight; and one shipment contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On March 10, 1933, the United States attorney filed in the District Court of the United States for the Western District of Washington, an information against Frye & Co., a corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about April 1, April 8, April 15, and April 22, 1932, from the State of Washington into the Territory of Alaska, of quantities of butter that was misbranded, and a portion of which was also adulterated. The article was labeled: "Fancy Favorite Butter Quality One Pound Net Weight"; or "Wild Rose Fancy Creamery Butter The Best One Pound Net Weight."

The information charged adulteration of one lot of the article, in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding of the said lot was alleged for the reason that the statement "Butter", borne on the label, was false and misleading and for the further reason that it was labeled butter, so as to deceive and mislead the purchaser, since it contained less than 80 percent by weight of milk fat. Misbranding of the remaining lots was alleged for the reason that the statement "One Pound Net Weight", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding of the lots that bore an incorrect statement of the net weight was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 31, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20774. Misbranding of sirup. U. S. v. 100 Cases and 148 Cases of Sirup. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28983, 28984. Sample nos. 2144-A, 2148-A.)**

Examination showed that this product had no flavor of cane sirup and that the cans contained less than 5 pounds, the declared amount. Moreover, the statement of the quantity of the contents was not made on the label in terms of fluid measure.

On October 7, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 248 cases of sirup, in part at Alamosa, Colo., and in part at Walsenburg, Colo., consigned by the Bliss Syrup & Preserving Co., alleging that the article had been shipped on or about May 26, 1932, from Kansas City, Mo., into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bliss Pancake Brand Cane Flavor Syrup Bliss Syrup & Preserving Company, Kansas City, Mo., Net Weight 5 Lbs."

It was alleged in the libels that the article was misbranded in that the statements "Cane Flavor \* \* \* Net Weight 5 Lbs.", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside since the statement was incorrect and was not in terms of fluid measure.

On March 10, 1933, the Bliss Syrup & Preserving Co., Kansas City, Mo., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds in the sum of \$200, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20775. Adulteration and misbranding of vinegar. U. S. v. 161 Cases of Vinegar. Product released under bond to be relabeled. (F. & D. no. 29114. Sample no. 16627-A.)**

This case involved an interstate shipment of vinegar that was diluted with water or a diluted acid solution.

On October 25, 1932, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 161 cases, each containing 4 glass jugs of vinegar, at Quitman, Ga., alleging that the article had been shipped in interstate commerce, on or about April 6, 1932, by the Speas Manufacturing Co., from Memphis, Tenn., to Quitman, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act. This article was labeled in part: "Speas Old Time Apple Cider Vinegar \* \* \* Speas Mfg. Co., Kansas City and Branches."

It was alleged in the libel that the article was adulterated in that added water or diluted acid solution had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Apple Cider Vinegar", was false and misleading and deceived and misled the purchaser when applied to an article containing added water or diluted acid solution. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 21, 1933, the Speas Manufacturing Co. filed an answer admitting the allegations of the libel and petitioned release of the goods under bond in the sum of \$400, conditioned that it be relabeled under the supervision of this Department.

On March 22, 1933, the court ordered the product released for relabeling under the conditions of the bond.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20776. Misbranding of canned peaches. U. S. v. 1,098 Cases of Canned Peaches. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29612. Sample no. 29005-A.)**

This case involved an interstate shipment of canned peaches that fell below the standard established by this Department, and that was not labeled to show that it was substandard.

On December 9, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 1,098 cases of canned peaches at Emporia, Kans., alleging that the article had been shipped in interstate commerce on or about November 5, 1932, by the Smith Canning Co., from Layton, Utah, into the State of Kansas and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Water Pack Yellow Free Peaches, packed by Smith Canning Co., Clearfield, Utah."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because the fruit was excessively ragged and consisted in large part of broken halves, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On March 30, 1933, the Theo Poehler Mercantile Co., Emporia, Kans., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20777. Adulteration and misbranding of canned salmon. U. S. v. 103 Cases of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29753. Sample nos. 26264-A, 33196-A.)**

This case involved a quantity of canned salmon that was in part decomposed. The article was falsely branded as to the name of the packer and the place of manufacture.

On January 14, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 103 cases of canned salmon at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 11, 1932, by P. E. Harris & Co., from Seattle, Wash., to New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Belleanna Brand Alaska Fancy Pink Salmon Packed and Guaranteed by New England Fish Company, Seattle, Washington."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged for the reason that the statement on the label, "Packed \* \* \* by New England Fish Company, Seattle, Washington", was false and misleading and deceived and misled the purchaser, since it was packed by the Standard Packing Co., Shepard Point, Alaska.

On February 26, 1933, the Standard Packing Co., a corporation of the State of Washington, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20778. Adulteration of dried grapes. U. S. v. 100 Cases of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29847. Sample no. 22664-A.)**

This case involved a quantity of dried grapes that were found to be insect-infested and dirty.

On February 14, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 100 cases of dried grapes at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 4, 1933, by the National Grocery Co., from San Francisco, Calif., to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Federal Brand Dried Alicante Black Grapes Packed By Federal Fruit Distributors, Fresno, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20779. Adulteration and misbranding of frozen strawberries. U. S. v. 125 Cans of Frozen Strawberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29843. Sample no. 24322-A.)**

This case involved an interstate shipment of frozen strawberries that were in part moldy. The containers failed to bear a statement of the quantity of the contents as required by law.

On February 10, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 125 cans of frozen strawberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about August 23, 1932, by S. A. Moffett Co., from Seattle, Wash., to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.



Misbranding of the article was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20780. Adulteration of canned salmon. U. S. v. 142 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portions. (F. & D. no. 29797. Sample no. 28085-A.)**

This case involved an interstate shipment of canned salmon that was found to be in part decomposed.

On February 13, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 142 cases of canned salmon at Pueblo, Colo., consigned by Libby, McNeill & Libby, Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 6, 1932, from Seattle, Wash., to Pueblo, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Happy-Vale Brand \* \* \* Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 20, 1933, the Copper River Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the decomposed portion be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20781. Adulteration of noodles. U. S. v. 10 Boxes of Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29813. Sample no. 27946-A.)**

This case involved an interstate shipment of noodles that contained no egg and were artificially colored to simulate egg noodles.

On February 6, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 10 boxes of noodles at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 23, 1933, by the Republic Noodle Factory, from San Francisco, Calif., to Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red Triangle Brand Chinese Noodles \* \* \* Plain Republic Noodle Factory, San Francisco, California."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed.

On March 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20782. Misbranding of lemon flavor and vanilla extract. U. S. v. 7 Cases of Lemon Flavor and 20 Cases of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 29786, 29787. Sample nos. 30843-A, 30844-A.)**

This case involved an interstate shipment of imitation lemon flavor and imitation vanilla extract, sample bottles of which were found to contain less than the declared volume.

On February 3, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 7 cases of lemon flavor and 20 cases of vanilla extract at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 21, 1933, by the General Sales Co., from San Francisco, Calif., to Seattle, Wash., and charging misbranding in violation of the Food and

Drugs Act as amended. The articles were labeled in part: (Bottles) "4 Fluid Ounces Concentrated Essence Imitation Lemon Artificially Colored J. Couque & Cie., San Francisco"; and "4 Fluid Ounces J. Couque & Cie. Extracts Imitation Vanilla", respectively.

It was alleged in the libel that the articles were misbranded in that the statement on the labels, "4 Fluid Ounces", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form, and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20783. Adulteration of canned frozen eggs. U. S. v. 99 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 29771. Sample no. 27121-A.)**

This case involved an interstate shipment of canned frozen eggs that were in part decomposed.

On January 23, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 99 cans of frozen eggs at Cincinnati, Ohio, consigned October 19, 1932, alleging that the article had been shipped in interstate commerce via the Terminals & Transportation Corporation of America, from Buffalo, N.Y., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mixed fine Northern Eggs \* \* \* Odell, St. Paul."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 13, 1933, the J. G. Odell Co., St. Paul, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$500. It was further ordered that the product be examined under the supervision of this Department, and that the decomposed portion be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20784. Adulteration of butter. U. S. v. 4 Cartons of Butter. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. no. 29849. Sample no. 33402-A.)**

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent of milk fat, the standard established by Congress.

On January 17, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 4 cartons of butter at Allentown, Pa., alleging that the article had been shipped in interstate commerce on or about December 29, 1932, by the Sugar Creek Creamery Co., from Pana, Ill., to Allentown, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Sugar Creek Butter, \* \* \* Sugar Creek Creamery Company."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On February 14, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20785. Misbranding of honey. U. S. v. 150 Cases of Honey. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 29852. Sample no. 19079-A.)**

This case involved an interstate shipment of honey, sample cans of which were found to contain less than 16 ounces, the declared weight.

On February 14, 1933, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 150 cases of honey at Louisville, Ky. On March 1, 1933, an amended libel was filed to include 99 more cases, also at Louisville, Ky. It was alleged in the libel and the amended libel that the article had been shipped in interstate commerce on January 30 and January 31, 1932, by the Sherficks Farm & Floral Products, from Shoals, Ind., to Louisville, Ky., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Wt. 16 Oz. Honey Sherfick's Farm and Floral Products, Shoals, Indiana."

The libels charged that the article was misbranded in that the statement on the label, "Net Wt. 16 Oz.", was false and misleading and deceived and misled the purchaser, since the quantity stated was incorrect. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 1, 1933, the Kroger Grocery & Baking Co., Cincinnati, Ohio, having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled "Net Wt. 14 Oz."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20786. Adulteration and misbranding of tomato catsup. U. S. v. 680 Cans of Tomato Catsup. Default decree of destruction. (F. & D. no. 29799. Sample no. 35076-A.)**

This case involved a quantity of tomato catsup that contained added gum and sodium benzoate.

On or about February 9, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 680 cans of tomato catsup at Chillicothe, Ohio, alleging that the article had been shipped in interstate commerce on or about August 8, 1932, by H. M. Wagner & Co., from Camden, Md., to Chillicothe, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "H. M. Wagner's Tomato Catsup, \* \* \* Packed for H. M. Wagner and Company, Inc., Baltimore."

It was alleged in the libel that the article was adulterated in that added gum and sodium benzoate had been substituted in part for the article.

Misbranding was alleged for the reason that the statement "Tomato Catsup" was false and misleading when applied to an article that did not consist solely of tomato catsup. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 28, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20787. Adulteration of apples. U. S. v. 100 Bushels and 138 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond for washing. (F. & D. nos. 29776, 29835. Sample nos. 28489-A, 28498-A.)**

These cases involved shipments of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On or about December 27 and December 30, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 238 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in two shipments, on October 22 and October 23, 1932, respectively, by William Hamlin, from Hartford, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

William Hamlin, Hartford, Mich., appeared as claimant for the property and filed an answer, admitting the allegations of the libels, and consenting to the entry of a decree. On February 18, 1933, the cases having been consolidated, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant for washing to remove the deleterious ingredients, upon payment of costs and execution of a bond in the sum of \$200, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20788. Adulteration and misbranding of process Swiss cheese. U. S. v. 86 Boxes of Cheese. Default decree entered. Product delivered to charitable institution. (F. & D. no. 29757. Sample nos. 2961-A, 2971-A.)**

This case involved an interstate shipment of process Swiss cheese that was deficient in fat.

On January 17, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 86 boxes of cheese at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about December 7, 1932, by the Kraft-Phenix Cheese Corporation, from Green Bay, Wis., to Minneapolis, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Kraft Pasteurized Process Swiss Cheese Kraft-Phenix Cheese Corporation, \* \* \* Chicago."

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Process Swiss Cheese", was false and misleading and deceived and misled the purchaser when applied to a product deficient in fat. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 30, 1933, no claimant having appeared, judgment was entered ordering that the product be destroyed. On April 10, 1933, the decree was modified to permit delivery of the cheese to charitable institutions in view of the fact that it was fit for human consumption.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20789. Adulteration of canned salmon. U. S. v. 111 Cases of Canned Salmon. Claimant appeared and consented to entry of decree. Product adjudged adulterated, and ordered released under bond for segregation of decomposed portion. (F. & D. no. 29531. Sample nos. 26818-A, 26819-A, 26820-A.)**

This case involved an interstate shipment of canned salmon that was in part decomposed.

On November 23, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 111 cases of canned salmon at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 6, 1932, by the Oceanic Sales Co., from Seattle, Wash., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Plee Zing Alaska Pink Salmon \* \* \* Oceanic Sales Co., Distributors, Seattle."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On January 13, 1933, the Superior Packing Co., having appeared as claimant and having consented to the entry of a decree of condemnation, judgment was entered finding the product adulterated and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400. It was further ordered that the decomposed and putrid portion be separated from the unadulterated portion, to the end that the good portion might be disposed of lawfully.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20790. Adulteration of rice. U. S. v. 600 Bags of Rice. Product released under bond. (F. & D. no. 29842. Sample no. 24570-A.)**

This case involved an interstate shipment of rice that was found to contain mouse excreta, weevils, beetles, and larvae.

On February 11, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 600 bags of rice at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 24, 1933, by the Arkansas Rice Co., from Stuttgart, Ark., to Milwaukee, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rice \* \* \* Arkansas Rice Co., Inc., Stuttgart, Arkansas."

It was alleged in the libel that the article was adulterated in that it consisted of a filthy vegetable substance.

On March 3, 1933, the Arkansas Rice Co., Stuttgart, Ark., appeared and petitioned release of the property and executed a bond in the sum of \$500, conditioned that the product would not be disposed of in violation of the Food and Drugs Act or any other law. On March 4, 1933, the court ordered the goods released to the claimant.

*R. G. TUGWELL, Acting Secretary of Agriculture.*

**20791. Adulteration and misbranding of tomato paste. U. S. v. 88 Cases and 25 Cases of Tomato Paste. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29763, 29764. Sample nos. 7850-A, 7852-A, 25270-A.)**

These cases involved an article represented to be tomato paste, which consisted of a strained tomato product insufficiently concentrated to be described as tomato paste.

On January 23, 1933, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 113 cases of tomato paste. It was alleged in the libels that the article had been shipped into Puerto Rico in two consignments on or about November 9 and December 15, 1932, respectively, by the Pratt-Low Preserving Co., from Santa Clara, Calif., that it was being sold and offered for sale in Puerto Rico by J. Gus Lallande of San Juan, P.R., and Angel Llitas and Bello & Diaz, of Ponce, P.R., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "La Huerta—Pasta De Tomato \* \* \* Pratt-Low Preserving Co., Santa Clara, Cal., U.S.A.—La Huerta, California."

The libels charged that the article was adulterated in that an insufficiently concentrated, strained tomato product had been substituted for tomato paste which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Pasta De Tomato", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 25, 1933, J. Gus Lallande, San Juan, P.R., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$350, conditioned that it be relabeled.

*R. G. TUGWELL, Acting Secretary of Agriculture.*

**20792. Misbranding of salad oil. U. S. v. 200 Cases of Salad Oil. Consent decree entered. Product released under bond. (F. & D. no. 29662. Sample no. 12028-A.)**

This case involved an interstate shipment of a product, labeled "Olivita Brand Olio", which consisted in large part of cottonseed oil with only a small amount of olive oil present in the article.

On December 21, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 200 cases of salad oil at Bayonne, N.J., alleging that the article had been shipped in interstate commerce on or about September 16 and September 22, 1932, by the Southern Cotton Oil Co., from Savannah, Ga., to Bayonne, N.J.,



and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Olivita Brand Olio This can contains a delicious, blended salad oil composed of eighty-five percent choice vegetable oil and fifteen percent pure imported virgin Olive Oil Olivita Brand Oil \* \* \* Wesson Oil & Snowdrift Sales Co., New York."

It was alleged in the libel that the article was misbranded in that the designation on the label, "Olivita Brand Olio", was false and misleading and deceived and misled the purchaser, when applied to an oil consisting of a large proportion of cottonseed oil and a small amount of olive oil.

On March 24, 1933, the Wesson Oil & Snowdrift Sales Co., New York, N.Y., claimant, having admitted the allegations of the libel and having consented to the condemnation of the property, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be returned to the factory and removed from the cans, that the cans be destroyed and that the oil should be disposed of only in compliance with the law, State and Federal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20793. Adulteration of strawberry preserves. U. S. v. 93 Cases of Strawberry Preserves. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29772. Sample no. 31042-A.)**

This case involved a quantity of strawberry preserves that were found to be moldy.

On January 21, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 93 cases of the said strawberry preserves at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 27, 1932, by Dyson Shipping Co., from Seattle, Wash., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jars) "Paragon Brand Strawberry Preserves \* \* \* Packed by Pacific Manufacturing Co., Seattle Wash."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 3, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20794. Adulteration and misbranding of Swiss cheese. U. S. v. 1 Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29754. Sample no. 33477-A.)**

This case involved an interstate shipment of a product represented to be Swiss cheese and which contained less than 45 percent of butterfat. The standard for Swiss cheese does not recognize a product containing less than 45 percent of fat on a moisture-free basis as Swiss cheese.

On January 16, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of one cheese at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 28, 1932, by Arn & Zweifel (Arn & Zweifel Co.), from Monticello, Wis., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was part of a shipment invoiced "2 Casks Swiss Cheese", the invoice bearing the further statement, "Swiss Cheese Containing less than 45% Butterfat."

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted for Swiss cheese, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, i.e., it was invoiced as "Swiss Cheese", and the standard for Swiss cheese does not recognize a product containing less than 45 percent of fat on the moisture-free basis as Swiss cheese.

On February 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20795. Misbranding of cottonseed meal. U. S. v. East St. Louis Cotton Oil Co. (The Pine Bluff Cotton Oil Mill). Plea of guilty. Fine, \$25. (F. & D. no. 29515. I. S. no. 50956.)**

This case was based on the interstate shipment of a quantity of cottonseed meal which contained less than 43 percent of protein, the amount declared on the label, and which was also short weight.

On April 17, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the East St. Louis Cotton Oil Co., a corporation, trading at Pine Bluff, Ark., alleging shipment by said company, under the name of the Pine Bluff Cotton Oil Mill, a branch of the defendant corporation, on or about April 2, 1932, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal that was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Tag) "100 Pounds Net Guaranteed Analysis Protein, not less than 43%, \* \* \* Choctaw Sales Company, \* \* \* Kansas City, Missouri."

It was alleged in the information that the article was misbranded in that the statements, "100 Pounds Net Guaranteed Analysis Protein, not less than 43%", borne on the tag attached to the sacks, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein, and each of a large number of the sacks contained less than 100 pounds of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On May 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20796. Adulteration of celery. U. S. v. 356 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29873. Sample no. 31305-A.)**

This case involved an interstate shipment of celery that bore arsenic and lead in amounts that might have rendered it injurious to health.

On January 27, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 356 crates of celery at Jersey City, N.J., alleging that the article had been shipped in interstate commerce into the State of New Jersey on or about January 15, 1933, by the Union Produce Co., from Guadalupe, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On February 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20797. Misbranding of orange juice. U. S. v. 15½ Cases, et al., of Orange Juice. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 29670. Sample nos. 28185-A, 28186-A.)**

This case involved an interstate shipment of canned orange juice in which the cans were found to contain less than the declared volume. Examination further showed that the cans were not filled to the standard established by this Department, and that they were not labeled to indicate that they were slack-filled.

On December 29, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 15½ cases and 53 cans of canned orange juice at Denver, Colo., consigned by the Hansen & Choate Products Co., Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 20, 1932, from Los Angeles, Calif., to Denver, Colo., and charging misbranding in violation of the



Food and Drugs Act as amended. The article was labeled in part: (Cans) "Valencia Orange Juice Net Contents 1 Pt. 4 Fl. Oz. [or "8 Fl. Oz."] Hansen & Choate Products Company, Los Angeles, California."

It was alleged in the libel that the article was misbranded in that the statements, "1 Pt. 4 Fl. Oz." and "8 Fl. Oz.", were false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On April 1, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable institutions.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20798. Adulteration of canned salmon. U. S. v. 285 Cases of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29752. Sample nos. 16766-A, 16773-A.)**

This case involved an interstate shipment of canned salmon that was in part decomposed.

On January 24, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 285 cases of canned salmon at Houston, Tex., consigned by McGovern & McGovern, Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 11, 1932, from Seattle, Wash., to Houston, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Floe Select Pink Salmon Packed by Shepard Point Packing Co."; (can) "Floe Brand Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On March 6, 1933, the Standard Packing Co., a corporation of the State of Washington, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20799. Adulteration and misbranding of Swiss cheese. U. S. v. 3 Cheeses. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 29706. Sample no. 33012-A.)**

This case involved an interstate shipment of Swiss cheese that was deficient in fat.

On December 31, 1932, the United States attorney for the Western District of New York filed in the District Court of the United States a libel praying seizure and condemnation of three cheeses at Buffalo, N.Y., consigned by the Triangle Cheese Co., Monroe, Wis., alleging that the article had been shipped in interstate commerce on or about November 26, 1932, from Monroe, Wis., to Buffalo, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was invoiced "Swiss Cheese."

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted for Swiss cheese, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, Swiss cheese.

On March 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20800. Adulteration of canned shrimp. U. S. v. 21½ Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29740. Sample no. 22450-A.)**

This case involved an interstate shipment of canned shrimp that was found to be in part decomposed.

On January 12, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 21½ cases of canned shrimp at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about December 14, 1932, by the American Stores Co., from Philadelphia, Pa., to Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Lou-Z-Ana Brand Selected Shrimp Grand Caillou Packing Co., Inc., Houma, La."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed and putrid animal substance.

On March 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20801. Misbranding of canned cherries. U. S. v. 51 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29779. Sample no. 2465-A.)**

This case involved an interstate shipment of canned cherries in which the sugar content of the liquid portion was found to be below the standard established by this Department—indicating that the product was water-packed—and which was not labeled to show that it was substandard.

On February 6, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the United States District Court a libel praying seizure and condemnation of 51 cases of canned cherries at Fort Francis E. Warren, Wyo., alleging that the article had been shipped in interstate commerce on or about December 10, 1932, by the Morey Mercantile Co., from Denver, Colo., into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for canned cherries, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard. Misbranding was alleged for the further reason that the statements on the label, "Silver Brand, Red Pitted Cherries Net Weight 6 Lbs., 4 Ozs. \* \* \* Packed for and fully guaranteed by the Morey Mercantile Co., Denver, Colo.," were false and misleading, since the product consisted of water-packed cherries and its package or label did not bear a plain and conspicuous statement indicating that it consisted of water-packed cherries.

On March 6, 1933, the Morey Mercantile Co., Denver, Colo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled to show its true nature.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20802. Adulteration of evaporated apples. U. S. v. 128 Boxes of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29675. Sample no. 26015-A.)**

This case involved an interstate shipment of evaporated apples that were in part insect-infested, decomposed, and dirty.

On December 23, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 128 boxes of evaporated apples, remaining in the original unbroken packages at Alameda, Calif., alleging that the article had been shipped in interstate commerce on or about December 15, 1932, by the Oregon Packing Co., from Yakima, Wash., to Alameda, Calif., and charging adulteration in violation of the Food and Drugs Act.



It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On January 5, 1933, the Oregon Packing Co., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20803. Adulteration of canned pumpkin. U. S. v. 10 Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29709. Sample no. 22444-A.)**

This case involved a shipment of canned pumpkin that was found to be unsterile and decomposed.

On December 31, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cases of canned pumpkin, remaining in the original unbroken packages at Frederick, Md., alleging that the article had been shipped in interstate commerce on or about December 14, 1932, by the William Laning & Son Co., from Bridgeton, N.J., to Frederick, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Silver Lake Brand Fancy Pumpkin."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20804. Adulteration of tomato catsup. U. S. v. 146 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29707. Sample no. 21220-A.)**

This case involved a shipment of tomato catsup that contained excessive mold.

On January 4, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 146 cases of tomato catsup at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about October 27, 1932, by A. C. Soper Co., from Farmingdale, N.J., to New York, N.Y., charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gold Medal Brand Catsup."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20805. Adulteration of butter. U. S. v. 5 Cubes of Butter. Product ordered released under bond to be reworked. (F. & D. no. 29921. Sample no. 20310-A.)**

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On February 8, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about February 4, 1933, by the B. A. C. Dairy, from Cedar City, Utah, to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.



It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

On February 9, 1933, Joseph Thorup, Los Angeles, Calif., having filed a claim for the product and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond, conditioned that it be made to comply with the law. On February 11, 1933, the butter having been reworked, final decree was entered ordering that the release be made permanent and that the bond be exonerated.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20806. Adulteration and misbranding of pineapple sirup and raspberry sirup. U. S. v. H. A. Johnson Co. Plea of nolo contendere. Fine, \$50. (F. & D. no. 28180. I. S. no. 34407, 34408.)**

This case was based on the interstate shipment of quantities of pineapple and raspberry sirups that contained added, undeclared citric acid, and the latter was also artificially colored.

On January 30, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the H. A. Johnson Co., a corporation, Boston, Mass., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 10, 1931, from the State of Massachusetts into the State of New Hampshire, of quantities of pineapple sirup and raspberry sirup that were adulterated and misbranded. The articles were labeled in part: "Johnson's \* \* \* Pineapple [or "Raspberry"] Syrup \* \* \* Manufactured by H. A. Johnson Co. Boston and New York."

It was alleged in the information that both articles were adulterated in that an undeclared added substance, citric acid, and in the case of the raspberry sirup, artificial color, had been substituted in part for the articles.

Misbranding was alleged for the reason that the statements, "Pineapple Syrup" and "Raspberry Syrup", borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted solely of pineapple sirup and raspberry sirup, whereas both products contained added, undeclared citric acid, and the raspberry sirup also contained undeclared artificial color.

On February 27, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20807. Adulteration of celery. U. S. v. Randolph Marketing Co. Plea of guilty. Fine, \$200. (F. & D. no. 28170. I. S. no. 25209.)**

This case was based on an interstate shipment of celery that was found to bear arsenic in an amount that might have rendered it injurious to health.

On January 18, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Randolph Marketing Co., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 3, 1931, from the State of California into the State of Illinois, of a quantity of celery that was adulterated. The article was labeled in part: "Randolph Marketing Co., Los Angeles, Cal."

It was alleged in the information that the article was adulterated in that it contained an added poisonous and deleterious ingredient, namely, arsenic, in an amount which might have rendered it injurious to health.

On February 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20808. Misbranding of canned lima beans. U. S. v. 100 Cases, et al., of Canned Lima Beans. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 29687, 29720, 29721, 29722 29723, 29742. Sample no. 26328-A.)**

These cases involved an interstate shipment of canned mature, soaked, dry lima beans labeled to convey the impression that they were fresh lima beans, which impression was not corrected by the inconspicuous statement that they consisted of dried beans.

On December 28, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 100 cases of canned lima beans at New Iberia, La. On or about January 17 and January 18, 1933, the United States attorney for the Western District of Louisiana filed libels against 150 cases of the same product in various lots at Church Point, Lafayette, Opelousas, and Abbeville, La., respectively. It was alleged in the libels that the article had been shipped in interstate commerce into the State of Louisiana, on or about October 13, 1932, by the Phillips Packing Co., Inc., from Baltimore, Md., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Phillips Delicious Lima Beans Specially Prepared from Selected Ripe Dried Lima Beans \* \* \* Packed By Phillips Packing Co., Inc., Cambridge, Md."

It was alleged in the libels filed in the Western District of Louisiana that the article was misbranded in that the prominent statement "Lima Beans" was false and misleading and deceived and misled the purchaser, when applied to a product consisting of canned mature, soaked, dry lima beans, instead of canned, fresh lima beans, and the false impression was not corrected by the inconspicuous statement "Ripe Dried Lima Beans." A similar charge was made in the libel filed in the Eastern District of Louisiana. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

The Phillips Packing Co., Inc., Baltimore, Md., filed claims in all cases, admitting the allegations of the libels. On February 11 and February 14, 1933, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of bonds totaling \$1,500, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20809. Adulteration and misbranding of cheese. U. S. v. 71 Boxes of Cheese. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28387. Sample nos. 2602-A, 2603-A.)**

This case involved an interstate shipment of cheese, samples of which were found to contain excessive moisture. Samples taken from a portion of the article also were found to be deficient in fat.

On June 9, 1932, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 71 boxes of cheese, remaining in the original unbroken packages at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about May 13, 1932, by M. Fitzgerald & Son, from Chicago, Ill., to Green Bay, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cheddar Cheese."

It was alleged in the libel that the article was adulterated in that a substance containing excessive moisture, and in the case of a portion, deficient in fat, had been substituted in whole or in part for cheese, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On June 23, 1932, M. Fitzgerald & Son, Watertown, Wis., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20810. Adulteration of tullibees. U. S. v. 288 Boxes, 186 Boxes, and 116 Boxes of Tullibees. Tried to the court, sitting as a jury of one. Directed verdict for the Government. Product condemned and destroyed. (F. & D. nos. 26871, 26877. I. S. nos. 29036, 29037. S. nos. 5062, 5071.)**

These cases involved certain lots of tullibees imported from Manitoba, Canada. Examination showed that a large proportion of the fish were infested with worms imbedded in the flesh, enclosed in a cyst.

On August 13 and August 14, 1931, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture,



filed in the District Court of the United States libels praying seizure and condemnation of 590 boxes of tullibees at New York, N.Y., alleging that the article had been shipped in two consignments, on or about July 31 and August 3, 1931, respectively, by the Manitoba Cold Storage Co., from Winnipeg, Manitoba, into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

The libels alleged that the article was adulterated in that it consisted wholly or partly of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On November 28, 1931, Sigurd V. Sigurdson, New York, N.Y., appeared as claimant for the property and filed answers denying the adulteration charge. On January 12, 1933, the two cases were consolidated and the evidence on behalf of the Government and claimant was submitted to the court, sitting as a jury of one. At the conclusion of the testimony and the arguments of counsel, both the Government and claimant moved for a directed verdict. The case was adjourned for submission of briefs in support of the motions and having come on for hearing on February 21, 1933, the Government's motion was granted in the following memorandum opinion (F. J. Coleman, J.):

"Without repeating the statement of specific facts made by the court at the close of the trial, the question presented is whether under the Food and Drugs Act of June 30, 1906 (21 U.S.C., secs. 1 to 15), raw fish infested with parasitic worms should be condemned and forfeited in the absence of proof that the parasites would be injurious to the consumer or would impair the taste of the fish, but where it appears that an ordinary person would have a strong revulsion against eating such fish if aware of the presence of the worms, and where it further appears that only an experienced person would discover them. The worms themselves are threadlike structures difficult to identify, but they are surrounded by a quantity of thick, greenish yellow fluid unpleasantly suggestive of pus, which consists of broken-down fish tissue and to some extent the excreta of the worms. This fluid would readily be observable by anyone eating the fish; but unless he knew its origin, it would probably be unobjectionable.

"The Food and Drugs Act (title 21, U.S.C.) bans adulterated foods in foreign and interstate commerce and section 8, subdivision 6, provides that food shall be deemed adulterated 'if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance or any portion of an animal unfit for food whether manufactured or not, if it is the product of a diseased animal or one that has died otherwise than by slaughter.'

"It seems to me that the fish in question come within the scope of that subdivision and are not excluded by the absence of proof that their condition would impair the health of the consumer or the flavor of the fish. The subdivision does not expressly prescribe such requisite and the courts have held that it does not imply one (*Knapp v. Callaway*, 52 Fed. (2d) 476; *A. O. Anderson & Co. v. U.S.*, 284 Fed. 542). While the statute is primarily concerned with the health of the consumers, it might well ban 'filthy' or 'decomposed' animal matter or the 'product of a diseased animal' without direct or scientific proof of danger to health. The aesthetic guide frequently precedes the scientific one and the Government might wisely ban food which runs counter to it in the categories mentioned.

"The fact that most consumers would not discover the worms and would, therefore, not have their feelings affronted is of no consequence because were it otherwise, the statute would not be needed. The statute is largely intended to protect those consumers who would not be in a position to observe the defect in the food.

"Verdict is directed for the Government. Settle order on notice."

On March 1, 1933, judgment was entered condemning the product and ordering that it be destroyed by the United States marshal.

R. G. TUGWELL, Acting Secretary of Agriculture.

**20811. Adulteration of tomato catsup. U. S. v. 106 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. no. 27910. I. S. no. 47512. S. no. 5927.)

This case involved a quantity of tomato catsup that contained excessive mold.

On March 11, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure



and condemnation of 106 cases of tomato catsup at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about May 23, 1931, by Stokely Bros. Co., from Whiteland, Ind., to Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ruby Brand \* \* \* Tomato Catsup Fame Canning Company, \* \* \* Louisville, Ky."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On February 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20812. Misbranding of cottonseed meal. U. S. v. The Greenville Cotton Oil Co. Plea of guilty. Fine, \$150. (F. & D. no. 27549. I. S. no. 18320.)**

This case was based on the interstate shipment of cottonseed meal that was short weight.

On May 9, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Greenville Cotton Oil Co., a corporation, Greenville, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 23, 1931, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal that was misbranded. The article was labeled in part: (Tag) "100 Lbs. Net Weight \* \* \* Superior Quality \* \* \* Distributed by Superior Cake & Meal Co., Kansas City, Mo."

It was alleged in the information that the article was misbranded in that the statement "100 Lbs. Net Weight", borne on the tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the sacks contained less than 100 pounds net. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 6, 1933, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$150.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20813. Adulteration and misbranding of canned salmon. U. S. v. 247 Cartons of Canned Salmon. Tried to the court. Judgment of condemnation and destruction. (F. & D. no. 25346. I. S. no. 8806. S. no. 3614.)**

This case involved an interstate shipment of canned salmon, samples of which were found to be tainted or stale. A portion of the article was not pink salmon as labeled, but was chum salmon.

On November 20, 1930, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 247 cartons, each containing 48 cans of salmon, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce into the State of Pennsylvania, on or about August 28, 1930, by E. H. Hamlin Co., from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silver Sea Brand Pink Salmon \* \* \* Packed for West Sales, Inc., Seattle."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

It was further alleged in the libel that a portion of the article, identified by code mark, was misbranded in that the statement, "Pink Salmon" on the label, was false and misleading and deceived and misled the purchaser,

On December 9, 1930, M. E. Heller and Samuel Perrin, copartners, Pittsburgh, Pa., appeared and filed a claim and answer. The case came on for trial before the court on June 5, 1931. Evidence for the Government and claimant having been introduced and arguments of counsel heard, the court took the case under advisement and on April 27, 1932, handed down the following opinion (Gibson, D. J.):

"The United States seeks the condemnation of 247 cartons of canned salmon shipped from Seattle, Washington, to Pittsburgh, in the State of Pennsylvania, as adulterated and misbranded. Claimants have appeared and have admitted the interstate shipment of the salmon, and that certain cartons of the same, branded '-34W', were misbranded in that they contained 'chum' salmon and not pink salmon, as branded, but have denied that any of the salmon contained in the shipment was decomposed or tainted. Upon hearing, it developed that a number of the cans of salmon in the shipment had been examined. As analyzed in the United States laboratories, approximately one fourth of the cans examined contained salmon in a greater or less stage of decomposition. Other cans contained soft and inferior fish, but not a decomposed product. Other cans contained a fair quality of salmon. Certain witnesses, dealers in salmon, had examined a number of the cans of salmon upon request of the claimants. These witnesses in the main testified that, in their opinion, the cans examined by them contained a product which was fairly marketable. By them it was shown that a very small proportion of the cans examined contained tainted or decomposed fish. A bacteriologist testified on behalf of the claimants to the effect that his examination of a few samples of salmon contained in the shipment disclosed the fact that it was free from bacteria.

"The court finds as a fact that of the cartons seized those marked '-34W' were misbranded, in that the cans contained therein were branded as pink salmon, whereas they were 'chum', or white, salmon of an inferior quality. We find also that a considerable percentage of all the cartons seized contained adulterated salmon, that is, salmon in various stages of decomposition.

"Our finding of fact requires the condemnation of the salmon described in the libel, it being impossible for us, at this time, to determine which cans contained good, and which adulterated, product. (*Anderson & Co. v. United States*, 284 Fed. Rep. 542.) A decree of condemnation will be filed."

On April 27, 1932, judgment was entered condemning the product and ordering that it be destroyed, the marshal being directed, however, to withhold destruction pending decision on a motion by claimant to show cause why the salmon should not be released for uses other than for human consumption. On March 8, 1933, on motion of the United States attorney, supported by proof that claimant had been unable to devise means for the legal disposition of the salmon, the court directed the marshal to carry out the order of destruction.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20814. Adulteration and misbranding of orange fruit emulsion. U. S. v. Natural Products Co. Plea of guilty. Fine, \$25. (F. & D. no. 27569. I. S. no. 34305.)**

This case was based on an interstate shipment of a product, described as orange fruit emulsion, which consisted of an artificially colored emulsion of orange oil, and which contained little or no fruit juice.

On January 30, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Natural Products Co., a corporation, Boston, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 25, 1931, from the State of Massachusetts into the State of Vermont, of a quantity of orange fruit emulsion that was adulterated and misbranded. The article was labeled in part: "Natural Brand Orange Fruit Emulsion \* \* \* Natural Fruit Emulsion \* \* \* Natural Orange, \* \* \* Made Only By Natural Products Company, Boston, Mass."

It was alleged in the information that the article was adulterated in that an artificially colored orange oil emulsion had been substituted in whole and in part for natural orange fruit emulsion, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Orange Fruit Emulsion", "Natural Fruit Emulsion", and "Natural Orange", borne on the label, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that it consisted wholly of natural orange fruit emulsion, whereas it consisted of an imitation orange oil emulsion, and an undeclared added artificial color.

On February 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20815. Misbranding of canned tomatoes. U. S. v. 800 Cases and 219 Cases of Canned Tomatoes. Product ordered released under bond to be relabeled. (F. & D. nos. 29619, 29656. Sample no. 21283-A.)**

These cases involved an interstate shipment of canned tomatoes that contained excessive peel and excessive liquid. The article fell below the standard for canned tomatoes established by this Department and was not labeled to indicate that fact.

On or about December 12 and 19, 1932, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 1,019 cases of canned tomatoes, remaining in the original packages at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about September 6, 1932, by the Harbor City Canning Co., from Harbor City, Calif., to Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Campagnola Brand Tomatoes with Puree from Trimmings. Packed by Harbor City Canning Co., Los Angeles, Cal."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of excessive peel and because of its low drained weight, and the labels did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On January 20, 1933, Paolo Alonge & Bro., claimants, having admitted the allegations of the libels and having consented to the entry of decrees, judgments were entered ordering that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$2,000, conditioned that it be relabeled, "Below U.S. Standard, Low Quality But Not Illegal."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20816. Adulteration and misbranding of butter. U. S. v. Red 73 Creamery, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 28196. I. S. no. 42942.)**

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On October 8, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Red 73 Creamery, Inc., a corporation, Union City, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about February 3, 1932, from the State of Ohio into the State of Pennsylvania, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Red 73 Company Country Roll Butter \* \* \* Packed by Red 73 Creamery Co., Union City, Ind."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as defined and required by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement "Butter", borne on the packages, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the statement "Butter" represented that the article contained not less than 80 percent by weight of milk fat as required by law, whereas it contained less than 80 percent of milk fat.

On February 18, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20817. Adulteration of butter. U. S. v. George William Woerlein (Groveport Creamery Co.). Plea of guilty. Fine, \$10. (F. & D. no. 28199. I. S. nos. 43132, 43142.)**

This case was based on the interstate shipment of two lots of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On October 22, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against George William Woerlein,



trading as the Groveport Creamery Co., Groveport, Ohio, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about February 3 and February 10, 1932, from the State of Ohio into the State of Pennsylvania, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On February 8, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20818. Adulteration and misbranding of canned frozen eggs. U. S. v. Kraft-Phenix Cheese Corporation. Plea of guilty. Fine, \$800. (F. & D. no. 27488. I. S. nos. 20420 to 20424, incl., 30009, 30010, 30011.)**

This action was based on the interstate shipment of several carload lots of frozen eggs, labeled "Whole Eggs", which consisted in part of added egg whites. Samples taken from certain of the lots were found to be decomposed.

On June 18, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Kraft-Phenix Cheese Corporation, trading at Dallas, Tex., alleging shipment by said company in violation of the Food and Drugs Act, in part on or about February 4, 1931, and in part on or about February 5, 1931, from the State of Texas into the State of New Jersey, of quantities of canned frozen eggs that were adulterated and misbranded. The article was labeled in part: (Tag) "Kraft-Phenix Cheese Corporation Egg Division Morgan Warehouse Dallas, Texas, Whole Eggs"; (cover) "Whole Eggs."

It was alleged in the information that the article was adulterated, in that added egg whites had been substituted in part for whole eggs, which the article purported to be. Adulteration was alleged with respect to a portion of the article for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement "whole eggs", borne on the tag, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it did not consist of whole eggs but did consist in part of added egg whites.

On February 18, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$800.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20819. Adulteration of butter. U. S. v. 16 Cubes of Butter. Product ordered released under bond. (F. & D. no. 29262. Sample no. 14505-A.)**

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On October 25, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 31, 1932, by the Mount Angel Cooperative Creamery, from Portland, Oreg., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of butterfat had been substituted for the said article.

On February 7, 1933, the Purity Stores, Ltd., San Francisco, Calif., having appeared as claimant for the property, judgment was entered finding that the allegations of the libel were true, and ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be made to comply with the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20820. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked.** (F. & D. no. 29922. Sample no. 31516-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress.

On February 24, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about February 7, 1933, by the Waterville Creamery Co., from Waterville, Minn., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Hunter Walton & Co., New York, N.Y., filed a claim for the property as agent for the Waterville Creamery Co., Waterville, Minn., admitted the allegations of the libel, and consented to the entry of a decree. On February 24, 1933, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be reworked so that it comply with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20821. Misbranding of chocolate-coated caramels. U. S. v. Belle Mead Sweets, Inc. Plea of guilty. Fine, \$25.** (F. & D. no. 26703. I. S. no. 28754.)

This case was based on the interstate shipment of a quantity of candy, sample boxes of which were found to contain less than the labeled weight.

On November 21, 1931, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Belle Mead Sweets, Inc., Trenton, N.J., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 25, 1931, from the State of New Jersey into the State of Virginia, of a quantity of chocolate-coated caramels that were misbranded. The article was labeled in part: "Belle Mead Sweets Chocolate Coated Caramels Average Net Weight 2¾ ounces."

It was alleged in the information that the article was misbranded in that the statement, "Average Net Weight 2¾ ounces", borne on the box, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the boxes did not contain 2¾ ounces of the article, but did contain a less amount.

On June 24, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture*

**20822. Adulteration and misbranding of cider vinegar. U. S. v. 57 Kegs. et al., of Cider Vinegar. Product released under bond.** (F. & D. no. 27771. I. S. no. 50352. S. no. 5842.)

This case involved a shipment of cider vinegar that contained arsenic in an amount that might have rendered it injurious to health.

On February 23, 1932, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 57 kegs, each containing 55 gallons; 18 kegs, each containing 30 gallons; 23 kegs, each containing 15 gallons; and 24 kegs, each containing 10 gallons of vinegar, remaining in the original unbroken packages at Bismarck, N.Dak., alleging that the article had been shipped in interstate commerce on or about January 16, 1932, by the Western Cider Vinegar Co., from Freewater, Oreg., to Bismarck, N.Dak., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Cider Vinegar Western Maid Brand \* \* \* Mfg. by Western Cider Vinegar Co., Milton, Ore."



It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement on the label, "Pure Apple Cider Vinegar", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the article was pure cider vinegar, whereas it contained an added poisonous or deleterious ingredient, arsenic.

On April 20, 1932, the Bismarck Grocery Co., Bismarck, N.Dak., having appeared as claimant and having petitioned for release of the property, an order was entered by the court releasing the product to the claimant under bond, conditioned that it be made to comply with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20823. Adulteration of celery. U. S. v. 340 Half Crates of Celery, et al. Decrees of condemnation entered. Portion of product released under bond for removal of arsenic. Remainder destroyed. (F. & D. nos. 29767, 29780, 29781, 29807, 29834, 29848, 29857, 29869, 29870, 29871, 29957. Sample nos. 14090-A, 16289-A, 16295-A, 16296-A, 16586-A, 16587-A, 18884-A, 21166-A, 21467-A, 23980-A, 23991-A.)**

These cases involved several shipments of celery that was found to bear arsenic in an amount that might have rendered it injurious to health.

On January 10, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 340 half crates of celery at Omaha, Nebr. Between the dates of January 11 and January 28, 1933, the following libels also were filed: In the Western District of Oklahoma against 21 crates and 14 bundles of celery at Oklahoma City, Okla.; in the Southern District of Mississippi against 150 crates of celery at Jackson, Miss.; in the District of Massachusetts against 648 half crates of celery at Boston, Mass.; in the District of New Jersey against 324 half crates of celery at Jersey City, N.J.; in the Northern District of Texas against 1 carload of celery at Fort Worth, Tex.; in the District of Nebraska against 1 carload of celery at Grand Island, Nebr.; in the Northern District of Illinois against 324 crates of celery at Chicago, Ill.; in the Northern District of New York against 201 crates of celery at Albany, N.Y., and in the Eastern District of Missouri against 206 crates of celery at Hannibal, Mo. The libels charged that the article had been shipped by the H. P. Garin Co., in part from National City, Calif., and in part from Chula Vista, Calif., the shipments covering the period from December 20, 1932, to January 14, 1933, that it had been shipped in interstate commerce, and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled. "H. P. Garin Company, Growers & Shippers of California Vegetables, San Francisco, Cal."

The libels charged that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On January 12 and February 9, 1933, the H. P. Garin Co., Chula Vista, Calif., filed claims for the lot seized at Omaha, Nebr., and at Albany, N.Y., admitted the allegation of the libels, and consented to the entry of decrees. Judgments of condemnation and forfeiture were entered, and the court ordered that the celery be released under bond, conditioned that the arsenic be removed or the unfit portions segregated and destroyed. On January 12 and January 23, 1933, decrees containing similar provisions were entered in the cases instituted at Oklahoma City and at Chicago, and the goods were released to the respective claimants, to be brought into compliance with the law by cleaning.

On January 25, 1933, the claimant having been unable to remove the arsenic from the celery released under bond at Omaha, Nebr., the product was ordered destroyed. On January 26 and January 28, 1933, the two carloads seized at Fort Worth, Tex., and Grand Island, Nebr., were condemned and destroyed with consent of the shipper. Defaults were entered against the product seized at Boston, Mass., Jersey City, N.J., Hannibal, Mo., and Jackson, Miss., between the dates of January 25 and May 11, 1933, and it was ordered condemned and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20824. Adulteration and misbranding of tomato paste. U. S. v. 5 Cases and 8½ Cases of Tomato Paste. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 28680, 29127. Sample nos. 13258-A, 16944-A.)

These actions involved shipments of a product represented to be tomato paste, but which was insufficiently concentrated to be deemed tomato paste. Sample cans taken from one of the shipments were found to contain less than the declared weight.

On August 19, 1932, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 5 cases of tomato paste at Birmingham, Ala. On October 27, 1932, a libel was filed in the Southern District of Mississippi against 8½ cases of tomato paste at Gulfport, Miss. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about June 10, 1932, and in part on or about June 15, 1932, by the Uddo-Taormina Corporation, from New Orleans, La., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part: "Big 5 Color Added Tomato Paste \* \* \* Packed By Uddo-Taormina Corporation, New Orleans, La." The remainder was labeled in part: "Net contents 5 ounces Baby Brand Tomato Paste Color Added Salsa Di Pomodoro Colole Aggiunto Packed by Uddo Bros. Co., Inc., [or "Uddo-Taormina Corp."], New Orleans, La."

The libels charged that the article was adulterated in that an insufficiently concentrated strained tomato product had been substituted for tomato paste.

Misbranding of both lots was alleged for the reason that the statements, "Tomato Paste \* \* \* Salsa Di Pomodoro", borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the product seized in the Southern District of Mississippi for the further reason that the statement, "Net Contents 5 ounces", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On February 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered in the case instituted in the Southern District of Mississippi, and the court ordered the product destroyed. On March 22, 1933, a decree ordering condemnation and forfeiture of the product seized in the Northern District of Alabama was entered.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20825. Adulteration of noodles. U. S. v. 12 Boxes of Noodles. Default decree of condemnation, forfeiture, and sale.** (F. & D. no. 28444. Sample no. 232-A.)

This case involved a quantity of noodles which were artificially colored with a yellow color simulating egg, and which contained no egg.

On July 5, 1932, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 12 boxes of noodles, remaining in the original, unbroken packages at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about May 13, 1932, by the Majestic Paste Co., from San Francisco, Calif., to Spokane, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Shanghai Noodle & Macaroni Mfg. Co., \* \* \* San Francisco, Calif."; (carton): "Plain Noodles."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed.

On August 5, 1932, no claimant having appeared for the property, and the court having found that the allegations of the libel were true but that the article was not unwholesome, judgment of condemnation and forfeiture was entered and it was ordered that the product be sold by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20826. Adulteration of apples. U. S. v. 14 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30440. Sample no. 33576-A.)**

This case involved an interstate shipment of apples that were found to bear lead in an amount that might have rendered them injurious to health.

On March 7, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 14 boxes of apples at Wichita Falls, Tex., alleging that the article had been shipped in interstate commerce, on or about January 16, 1933, by the American Fruit Growers, Inc., from Cashmere, Wash., to Wichita Falls, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health.

On April 7, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20827. Adulteration of butter. U. S. v. Briggs Dairy Products Co. Plea of guilty. Fine, \$1 and costs. (F. & D. no. 29336. Sample no. 10351-A.)**

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 16, 1932, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court an information against the Briggs Dairy Products Co., a corporation, Blackwell, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 7, 1932, from the State of Oklahoma into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 8 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat, which the article purported to be.

On December 27, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20828. Adulteration of tullibeas. U. S. v. 100 Boxes of Frozen Tullibeas, et al. Default decrees of condemnation and destruction. (F. & D. nos. 29792, 29955. Sample nos. 4568-A, 27086-A.)**

These cases involved interstate shipments of tullibeas that were found to be infested with worms.

On January 18, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 100 boxes of tullibeas at Chicago, Ill. On or about March 3, 1933, the United States attorney for the Southern District of Ohio filed a libel against 6,600 pounds of tullibeas at Cincinnati, Ohio. It was alleged in the libels that the article had been shipped in interstate commerce by the Booth Fisheries Co., from Warroad, Minn., that a part had been shipped into the State of Ohio during August 1932, that a part had been shipped into the State of Illinois on or about November 5, 1932, and that the article was adulterated in violation of the Food and Drugs Act.

The libels charged that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

No claim was entered in either case. On April 4, 1933, judgment condemning the fish seized at Chicago, Ill., was entered and the court ordered that it be destroyed by the United States marshal. Decree ordering the destruction of the product seized at Cincinnati, Ohio, was entered April 24, 1933.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20829. Adulteration and misbranding of butter. U. S. v. 35 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30409. Sample no. 34523.)**

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 17, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 35 boxes of butter at Springfield, Mass., consigned April 5, 1933, alleging that the article had been shipped in interstate commerce by the North American Creameries, Inc., from Paynesville, Minn., to Springfield, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On April 27, 1933, the North American Creameries Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that it contain at least 80 percent of butterfat.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20830. Adulteration of butter. U. S. v. 14 Cubes of butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30402. Sample no. 36962-A.)**

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 6, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 14 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about March 29, 1933, by the Bitter Root Creamery, from Stevensville, Mont., to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On April 10, 1933, the Bitter Root Creamery Co., Stevensville, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$175, conditioned that it be made to comply with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20831. Adulteration of tullibeas. U. S. v. 6½ Cases and 5 Boxes of Tullibeas. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29872, 29877. Sample nos. 4572-A, 28544-A.)**

These cases involved interstate shipments of tullibeas that were infested with worms.

On January 24 and January 31, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States, libels praying seizure and condemnation of 11½ cases and boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about July 19, 1932, and in part on or about January 21, 1933, by Art Zippel, from Baudette, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.



On April 4, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20832. Misbranding of butter. U. S. v. 6 Cartons of Butter. Product released under bond. (F. & D. no. 30083. Sample nos. 28159-A, 28160-A.)**

This action involved a quantity of butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On March 13, 1933, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 6 cartons of butter at Santa Fe, N.Mex., alleging that the article had been shipped in interstate commerce, on or about February 21 and February 28, 1933, by the Carlson-Frink Co., from Denver, Colo., to Santa Fe, N.Mex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mountain Kist Butter, A. Frink Product, One Pound Net \* \* \* Carlson-Frink Co., Denver, Colo."

It was alleged in the libel that the article was misbranded in that the statement, "One Pound", borne on the label, was false and misleading and deceived and misled the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

The Carlson-Frink Co., Denver, Colo., appeared as claimant for the property, and admitted the allegations of the libel, and filed a good and sufficient bond conditioned that the product should not be disposed of in violation of the law. On April 10, 1933, a decree was entered ordering the butter released to the claimant, and permitting its shipment to Denver in order that the contents of the cartons be brought up to the declared weight; and further ordering that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20833. Adulteration of butter. U. S. v. 30 Cartons of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 29899. Sample no. 34884-A.)**

This case involved a quantity of butter that contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On February 15, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 30 cartons, each containing 30 pounds of butter, at Reading, Pa., alleging that the article had been shipped in interstate commerce, on or about February 4, 1933, by Paul A. Schulze Co., from St. Louis, Mo., to Reading, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Clover Springs \* \* \* Butter \* \* \* Distributed by Paul A. Schulze Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On March 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The court having found that the product was wholesome, ordered that it be delivered to charitable institutions.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20834. Misbranding of grapefruit juice. U. S. v. 145 Cases of Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29647. Sample no. 30083-A.)**

This case involved a quantity of grapefruit juice, sample cans of which were found to contain less than the declared amount.

On December 16, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 145 cases of grapefruit juice at Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about October 10, 1932, by the

Williams Todd Co., from Chicago, Ill., to Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Hanson's \* \* \* Grapefruit Juice Net Contents 1 Pint 4 Fl. Oz."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Contents 1 Pint 4 Fl. Oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 11, 1933, Harry Bartley Raymond, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20835. Adulteration of shell eggs. U. S. v. General Hardy Hand. Plea of guilty. Fine, \$25. (F. & D. no. 27480. I. S. nos. 35499, 35500.)**

This action was based on an interstate shipment of shell eggs that were in large part decomposed.

On January 2, 1933, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against General Hardy Hand, of Hand, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 1, 1931, from the State of Arkansas into the State of Missouri, of a quantity of shell eggs that were adulterated. The article was labeled in part: (Tag) "G. H. Hand, Hand, Ark."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On April 3, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20836. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30085. Sample no. 31539-A.)**

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On March 14, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 23 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about March 2, 1933, by the Winthrop Cooperative Creamery Association, from Gaylord, Minn., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

The Winthrop Cooperative Creamery Association appeared through an agent and filed a claim for the property, admitting the allegations of the libel, and consenting to the entry of a decree. On March 23, 1933, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond, conditioned in part that it be reworked so that it contain at least 80 percent of milk fat.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20837. Adulteration of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30087. Sample no. 32003-A.)**

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.



On March 22, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 30 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about March 8, 1933, by the Westport Cooperative Creamery Association, from Westport, Minn., to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

The Westport Cooperative Creamery Association, Westport, Minn., appeared through an agent and filed a claim for the property, admitting the allegations of the libel and consenting to the entry of a decree. On March 27, 1933, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20838. Adulteration of apples. U. S. v. 64 Boxes, et al., of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 30011. Sample nos. 24567-A, 24569-A).**

This action involved an interstate shipment of apples that were found to bear lead, or arsenic and lead, in amounts that might have rendered them injurious to health.

On February 21, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 80 boxes of apples at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about January 13, 1933, by the International Fruit Distributors, from Yakima, Wash., to Milwaukee, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, namely, lead in a portion, and arsenic and lead in the remainder, which might have rendered it injurious to health.

On April 17, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20839. Adulteration of apples. U. S. v. 100 Boxes of Apples. Decree of condemnation and forfeiture, with provision for release under bond to be washed. (F. & D. no. 30012. Sample no. 22152-A.)**

This action involved an interstate shipment of apples that bore lead in an amount that might have rendered them injurious to health.

On March 14, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 100 boxes of apples at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about March 2, 1933, by the Northern Fruit Co., from Wenatchee, Wash., to Minneapolis, Minn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Perfect-Pak Brand \* \* \* Grown by C. L. McKittrick Wenatchee, Wash., \* \* \* Gellatly Fruit Co., Wenatchee, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or other added deleterious ingredient, which might have rendered it injurious to health.

On April 6, 1933, a claim and answer admitting the allegations of the libel having been filed, judgment of condemnation and forfeiture was entered. The court having found that the product might be washed or dipped so as to remove the deleterious ingredient and bring it into compliance with the law, the decree ordered that the apples be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20840. Misbranding of canned black raspberries. U. S. v. Fredonia Salsina Canning Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 28135. I. S. no. 40487.)**

This case was based on an interstate shipment of canned black raspberries, sample cans of which were found to contain less than the weight declared on the label.

On August 29, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Fredonia Salsina Canning Co., Inc., a corporation, Fredonia, N.Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 20, 1931, from the State of New York into the State of Illinois, of a quantity of canned black raspberries that were misbranded. The article was labeled in part: "Contents 6 Lbs. 10 Ozs. Sky Lark Brand \* \* \* Black Raspberries Packed By Fredonia Salsina Canning Co., Inc., Fredonia, N.Y."

It was alleged in the information that the article was misbranded in that the statement "Contents 6 Lbs. 10 Ozs.", borne on the can labels, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a number of the cans contained less than 6 pounds and 10 ounces of the article.

On March 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20841. Adulteration of apples. U. S. v. 108 Boxes of Apples. Decree of destruction entered. (F. & D. no. 29913. Sample nos. 22031-A, 22032-A.)**

This case involved an interstate shipment of apples that were found to bear lead in an amount that might have rendered them injurious to health.

On February 17, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 108 boxes of apples at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about January 16, 1933, by H. T. Trunkey and H. S. Wolfe, from Wenatchee, Wash., to Minneapolis, Minn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Fancy Sta'n Winesap 40 Wolf Brand Wenatchee District Apples Sorensen-Ryan [or "Trunkey-Wolfe Co., Inc."] Wenatchee, Wash."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or other added deleterious ingredient that might have rendered it injurious to health.

On April 15, 1933, the claimant having waived all rights in the property, judgment was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20842. Adulteration of apples. U. S. v. 84 Boxes of Apples. Default decree of destruction. (F. & D. no. 30091. Sample no. 34185-A.)**

This action involved an interstate shipment of apples that were found to bear lead in an amount that might have rendered them injurious to health.

On or about March 16, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 84 boxes of apples at Hot Springs, Ark., alleging that the article had been shipped in interstate commerce on or about January 17, 1933, by the Sunnyslope Fruit Exchange, from Wenatchee, Wash., to Hot Springs, Ark., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Wenoka Apples \* \* \* Sunnyslope Fruit Exchange, Wenatchee, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On April 7, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20843. Adulteration of apples. U. S. v. 11 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29281. Sample no. 24736-A.)**

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On October 25, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce October 13, 1932, by the Kelder Brokerage Co., from South Haven, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts that might have rendered it injurious to health.

On December 14, 1932, no claimant having appeared for the property; judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20844. Adulteration of celery. U. S. v. 228 Crates of Celery. Product released under bond for removal of arsenic. (F. & D. no. 29939. Sample nos. 33493-A, 33498-A, 33499-A.)**

This case involved a quantity of celery that was found to bear arsenic in an amount that might have rendered it injurious to health.

On February 28, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 228 crates of celery at Camden, N.J., alleging that the article had been shipped in interstate commerce on or about November 15 and November 26, 1932, by S. H. Starkey, from Bustleton (Philadelphia), Pa., to Camden, N.J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenic, which might have rendered it injurious to health.

S. H. Starkey, Bustleton, Pa., interposed a claim for the property, admitted the allegations of the libel, and consented to the entry of a decree condemning and forfeiting the product. On March 1, 1933, a decree was entered ordering that the celery be released to the claimant upon payment of costs and the filing of a cash bond in the sum of \$200, conditioned that the celery be cleaned to remove the arsenic.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20845. Adulteration of tullibeas. U. S. v. 16 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29880. Sample no. 28553-A.)**

This action involved the interstate shipment of a quantity of tullibeas that were found to be infested with worms.

On February 7, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 16 boxes of fresh tullibeas at Chicago, Ill., alleging that the article had been shipped on or about January 31, 1933, by F. Parker, Williams, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20846. Adulteration of frozen tullibeas. U. S. v. 7½ Boxes of Frozen Fish (Tullibeas). Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29814. Sample no. 4570-A.)**

This action involved the interstate shipment of a quantity of frozen tullibeas that were found to be infested with worms.



On January 18, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 7½ boxes of frozen tullibeas at Chicago, Ill., alleging that the article had been shipped on or about October 23, 1932, by the Warroad Fish Co., from Warroad, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20847. Adulteration of tullibeas. U. S. v. 9 Boxes of Fresh Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29879. Sample no. 28546-A.)**

This action involved the interstate shipment of a quantity of tullibeas that were found to be infested with worms.

On January 27, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of nine 80-pound boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped on or about January 23, 1933, by Harry Brewster, from Warroad, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20848. Adulteration of canned frozen eggs. U. S. v. 200 Cans of Frozen Eggs. Decree of condemnation entered. Product released under bond, conditioned that unfit portion be denatured. (F. & D. no. 29853. Sample no. 26998-A.)**

This action involved a quantity of canned frozen eggs that were found to be in part decomposed.

On February 14, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 200 cans of frozen eggs at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about January 9, 1933, by the Fairmont Creamery Co., from Dodge City, Kans., to Columbus, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Fairmont Frozen Fresh Eggs \* \* \* Packed by the Fairmont Creamery Co. General Offices, Omaha, Nebraska."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 28, 1933, the Fairmont Creamery Co., Omaha, Nebr., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that the cans containing good eggs be separated from those containing decomposed eggs, that the former be released and the latter denatured and disposed of for technical uses.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20849. Adulteration and misbranding of vanilla extract. U. S. v. Schaul C. Greinoman (Atlanta Supply Co.). Plea of guilty. Fine, \$50. (F. & D. no. 25692. I. S. nos. 017651, 019851, 019852, 022501, 024602, 024811, 024812, 025733, 025734.)**

This action was based on several shipments of a product, represented to be vanilla extract, that consisted of diluted vanilla extract, artificially colored.

On March 14, 1932, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the Dis-



trict Court of the United States an information against Schaul G. Greinoman, trading as the Atlanta Supply Co., Atlanta, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 30, and September 14, 1929, from the State of Georgia into the States of Kansas, Kentucky, Wyoming, Missouri, Nebraska, and Oklahoma, of several lots of alleged vanilla extract that was adulterated and misbranded. The article was labeled in part: (Bottle) "Flavoring Extract Vanilla 40% Alcohol \* \* \* Manufactured by The Atlanta Supply Co. Atlanta, Georgia."

It was alleged in the information that the article was adulterated in that a dilute, artificially colored extract had been substituted for vanilla extract, which the article purported to be.

Misbranding was alleged for the reason that the statement "Extract Vanilla" borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not extract of vanilla, but was an artificially colored, dilute extract.

On March 21, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20850. Misbranding of butter. U. S. v. 120 Cartons of Butter. Product ordered released to be made to comply with the law. (F. & D. no. 30492. Sample no. 36117-A.)**

This case involved an interstate shipment of butter, sample packages of which were found to contain less than 1 pound, the declared weight.

On April 18, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 120 cartons, each containing 30 packages of butter at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, April 13, 1933, by the Gooding Cooperative Creamery Association, from Gooding, Idaho, to Salt Lake City, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Pound Net Weight Golden Rod Brand \* \* \* Butter Distributed by Challenge Cream and Butter Assn., Los Angeles, California."

It was alleged in the libel that the article was misbranded in that the statement, "One Pound Net Weight", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement on the packages of the quantity of the contents, since the statement made was not correct.

On April 20, 1933, the Challenge Cream & Butter Association, Salt Lake City, Utah, having appeared as claimant for the property, a decree was entered ordering that the product be released to the claimant to be made to conform in all respects with the law, under the supervision of this Department, and it was further ordered that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20851. Adulteration of apples. U. S. v. 564 Boxes, et al., of Apples. Decrees of condemnation entered. Portion of product released under bond; remainder destroyed. (F. & D. nos. 29949, 30006, 30014, 30017, 30079, 30113. Sample nos. 6461-A to 6475-A, incl., 21513-A, 24084-A, 26586-A, 33562-A, 33564-A to 33566-A, incl., 33572-A, 33573-A, 33574-A, 35731-A to 35735-A, incl.)**

These cases involved several interstate shipments of apples that were contaminated with spray residue containing lead, or lead and arsenic.

On or about February 16, 1933, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 630 boxes of apples at Mabscott, W.Va. Between the dates of March 1 and March 17, 1933, the following libels were filed: In the Western District of Missouri against 564 boxes of apples at Kansas City, Mo.; in the Southern District of Texas against 486 boxes of apples at Houston, Tex.; in the Eastern District of Missouri against 14 boxes of apples at St. Louis, Mo.; and in the District of New Jersey against 756 boxes of apples at Jersey City, N.J. The libels charged that the apples had been shipped in interstate commerce by the Wenatchee-Okanogan Cooperative Federation; that the shipments had been made from Wenatchee, Monitor, and Cashmere, Wash.; that they had

been shipped between January 20 and March 6, 1933; and that they were adulterated in violation of the Food and Drugs Act. The article was labeled, variously, in part: "Wenoka Brand Grown and Packed by Members of Wenatchee-Okanogan Cooperative Federation,"; "Wenoka Apples Monitor Federated Growers"; "Wenoka Brand Cashmere Fruit Growers Union Cashmere, Wash."; "Wenoka Apples Sunnyslope Fruit Exchange, Wenatchee."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, i.e., lead in certain of the shipments, and arsenic and lead in the remainder, which might have rendered the article injurious to health.

On March 22, 1933, Gwin, White & Prince, Inc., having appeared as claimant for the lot seized at Jersey City, N.J., and the claimant having consented to condemnation and forfeiture of the product, judgment was entered ordering the apples released under bond, conditioned that the deleterious ingredient, which consisted of a lead spray residue, be removed. A decree of condemnation and forfeiture was entered March 16, 1933, in the case instituted in the Western District of Missouri, and the product was ordered released under bond to the Cochrane Brokerage Co., Kansas City, Mo., the terms of the bond requiring that the apples be made to conform to the Federal Food and Drugs Act. On March 15, March 17, March 24, and May 2, 1933, decrees condemning the apples and ordering that they be destroyed were entered in the remaining cases.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20852. Adulteration of canned salmon. U. S. v. 40 Cases and 8 Cases of Canned Salmon. Default decrees of condemnation and destruction. (F. & D. nos. 29966, 30005. Sample nos. 23034-A, 29251-A.)**

These cases involved interstate shipments of canned salmon that was in part decomposed.

On March 20 and 29, 1933, the United States attorneys for the Northern District of California and the District of Arizona, acting upon reports by the Secretary of Agriculture, filed libels praying seizure and condemnation of 40 cases of canned salmon at San Francisco, Calif., and 8 cases of the product at Phoenix, Ariz. It was alleged in the libels that the article had been shipped in interstate commerce by Libby, McNeill & Libby, the former from Seattle, Wash., to San Francisco, Calif., on or about September 9, 1932, and the latter from Los Angeles, Calif., to Phoenix, Ariz., on or about September 22, 1932, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Libby's Fancy Red Alaska Salmon."

The libels charged that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 11 and April 24, 1933, no claimant having appeared in either case, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20853. Adulteration of tomato puree. U. S. v. 36 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29993. Sample no. 34633-A.)**

This case involved an interstate shipment of tomato puree that contained excessive mold.

On March 25, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 36 cases of tomato puree at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce, December 28, 1932, by the North East Preserving Works, Inc., from North East, Pa., to Buffalo, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sunlight Brand Tomato Puree \* \* \* Packed by North East Preserving Works, Inc., North East, Pa."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 7, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20854. Adulteration of frozen blackfins. U. S. v. 5 Boxes of Frozen Blackfins. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29878. Sample no. 4573-A.)**

This action involved the interstate shipment of a quantity of frozen blackfins, samples of which were found to be infested with worms.

On January 31, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of five boxes (875 pounds) of frozen blackfins at Chicago, Ill., alleging that the article had been shipped on or about August 10, 1932, by James Lessard, from Ranier, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20855. Adulteration and misbranding of mustard. U. S. v. 4 Cases and 6 Cases of Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29964. Sample nos. 34563-A, 34564-A.)**

This case involved an interstate shipment of prepared mustard that contained added mustard bran.

On March 21, 1933, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 10 cases of prepared mustard at Providence, R.I., alleging that the article had been shipped in interstate commerce, on or about January 21, 1933, by the Mid-West Food Packers, Inc., from Fowlerton, Ind., to Providence, R.I., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Trump Brand Pure Prepared Mustard."

It was alleged in the libel that the article was adulterated in that mustard bran had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Prepared Mustard", was false and misleading and deceived and misled the purchaser, when applied to a product containing added mustard bran; and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20856. Misbranding of canned strawberries. U. S. v. 117 Cases of Canned Strawberries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29998. Sample no. 22978-A.)**

This case involved an interstate shipment of canned strawberries, samples each of which were found to contain less than the declared weight.

On March 25, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 117 cases of canned strawberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about March 14, 1933, by Ray-Maling Co., Inc., from Portland, Oreg., to San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Raycrest Brand Unsweetened Strawberries, net weight 1 lb. 4 ozs. \* \* \* Packed by Ray-Maling Co., Inc., Kitchens, Hillsboro, Oregon."

It was alleged in the libel that the article was misbranded in that the statement "Net Weight 1 lb. 4 ozs.", appearing on the label, was false and misleading and deceived and misled the purchaser, since the product was short weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.



On April 4, 1933, the Hollywood-Fontana Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be relabeled so that it comply with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20857. Adulteration of apples. U. S. v. 57 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30015. Sample no. 33553-A.)**

This action involved an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On or about March 8, 1933, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 57 boxes of apples at Houston, Tex., alleging that the article had been shipped in interstate commerce, on or about January 6, 1933, by the Cashmere Pioneer Growers, Inc., from Cashmere, Wash., to Houston, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On May 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20858. Adulteration of apples. U. S. v. 630 Boxes of Apples. Product released under bond for removal of spray residue. (F. & D. no. 30008. Sample no. 21313-A.)**

This case involved an interstate shipment of apples that were contaminated with lead spray residue.

On March 10, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 630 boxes of apples at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, on or about February 27, 1933, by the Matson Co., from Selah, Wash., into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "The M Brand \* \* \* Selah Heights Orchards Matson Company, Yakima, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it harmful to health.

The Matson Co., Yakima, Wash., appeared as claimant and filed a stipulation admitting the allegations of the libel and consenting to condemnation of the product. On March 22, 1933, a decree was entered ordering that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the apples be made to comply with the requirements of the Federal Food and Drugs Act by removal of the lead spray residue.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20859. Adulteration of apples. U. S. v. 28 Bushels and 44 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29565. Sample no. 5057-A.)**

This case involved a quantity of apples that were found to bear arsenic and lead in an amount that might have rendered them injurious to health.

On October 28, 1932, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 72 bushels of apples at Lafayette, Ind., alleging that the article had been shipped in interstate commerce, on or about October 23, 1932, by Starck & Mars, from Sodus, Mich., to Lafayette, Ind., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On March 6, 1933, no claimant having appeared for the property and the court having found that the product was in a decaying condition, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the apples be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20860. Adulteration of apples. U. S. v. 152 Boxes of Apples. Default decree of destruction. (F. & D. no. 30016. Sample no. 33171-A.)**

This action involved an interstate shipment of apples bearing arsenate of lead in an amount that might have rendered them injurious to health.

On February 23, 1933, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 152 boxes of apples at Mobile, Ala., alleging that the article had been shipped in interstate commerce, on or about January 30, 1933, by H. S. Denison & Co., from Cashmere, Wash., to Mobile, Ala., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenate of lead, which might have rendered it injurious to health.

On March 31, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20861. Adulteration of tullibeas. U. S. v. 12 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29881. Sample no. 28554-A.)**

This action involved the interstate shipment of a quantity of tullibeas that were found to be infested with worms.

On February 7, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 12 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped on or about January 31, 1933, by John Newmiller, from Williams, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20862. Adulteration of tullibeas. U. S. v. 9 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29882. Sample no. 28555-A.)**

This action involved the interstate shipment of a quantity of tullibeas that were found to be infested with worms.

On February 7, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 9 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped on or about January 31, 1933, by Fred Ringling, from Warroad, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20863. Adulteration of tullibeas. U. S. v. 13 Boxes of Fresh Fish (Tullibeas). Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29819. Sample no. 28543-A.)**

This action involved the interstate shipment of a quantity of tullibeas that were found to be infested with worms.

On January 23, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 13 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped on or about January 20, 1933, by T. S. Squires, from Warroad, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

*R. G. TUGWELL, Acting Secretary of Agriculture.*

**20864. Adulteration of apples. U. S. v. 756 Boxes of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30010. Sample no. 27096-A.)**

This case involved an interstate shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health. On March 15, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 756 boxes of apples at Cincinnati, Ohio, consigned by the Independent Fruit Shippers, February 28, 1933, alleging that the article had been shipped in interstate commerce, from Wenatchee, Wash., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sno-Fed Brand Apples Independent Fruit Shippers, Wenatchee, Washington."

It was alleged in the libel that the article was adulterated in that it contained arsenic and lead, added poisonous or deleterious ingredients.

On March 17, 1933, the M. deGaro Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,700, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

*R. G. TUGWELL, Acting Secretary of Agriculture.*

**20865. Adulteration and misbranding of dried split green peas. U. S. v. 512 Sacks and 50 Sacks of Dried Split Green Peas. Decrees of condemnation and forfeiture. Portion of product released under bond for chicken feed; remainder destroyed. (F. & D. nos. 29859, 29900. Sample no. 21572-A.)**

These cases involved certain lots of dried peas that were insect-infested and insect-damaged, contained in sacks not labeled with a statement of the quantity of the contents.

On February 17, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 512 sacks of dried split green peas at Jersey City, N.J. On March 2, 1933, the United States attorney for the Southern District of New York filed a libel against 50 sacks of the same product at New York, N.Y. It was alleged in the libels that the article had been shipped by Charles H. Lilly & Co., from Seattle, Wash., on or about January 7, 1933, that it had been transported from the State of Washington into the States of New Jersey and New York, respectively, and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

The libels charged that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding was charged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 29, 1933, no claim or appearance having been entered in the New York case, judgment was entered ordering that the product be condemned and destroyed. On April 25, 1933, Charles H. Lilly Co., Seattle, Wash., having appeared as claimant in the case instituted in the District of New Jersey, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it be rendered unfit for human consumption and used as chicken feed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20866. Adulteration of apples. U. S. v. 50 Bushels and 202 Bushels of Apples. Product released under bond for separation and destruction of unfit portion.** (F. & D. nos. 29138, 29230. Sample nos. 23964-A, 23965-A.)

These cases involved interstate shipments of apples, samples of which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On October 4 and October 12, 1932, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 252 bushels of apples at Hannibal, Mo., alleging that the article had been shipped in interstate commerce, in various lots on or about September 19, 21, and 22, 1932, by H. M. Seymour, from Payson, Ill., to Hannibal, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grimes Golden \* \* \* Washed Apples Grown and Packed by H. M. Seymour, Payson, Ill."

It was alleged in the libels that the article was adulterated in that it contained added lead and arsenic, which might have rendered it deleterious to health.

On October 24, 1932, H. M. Seymour, Payson, Ill., having filed claims and answers admitting the allegations of the libels, but representing that the unfit apples could be separated from those fit for human consumption, judgments were entered ordering that the product be released to the claimant under bonds amounting to \$500, conditioned that the unfit portion be destroyed, and that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20867. Adulteration of apples. U. S. v. 18 Bushels and 7 Bushels of Apples. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 29607, 29608. Sample nos. 29954-A, 29972-A.)

These cases involved shipments of apples bearing arsenic and lead in amounts that might have rendered them injurious to health.

On November 9, 1932, the United States attorney for the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 25 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce, on or about October 26 and October 27, 1932, by H. Shlensky & Son, from Benton Harbor, Mich., to Hammond, Ind., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Ryno Wendzel Coloma, Mich. \* \* \* N. Spie", and the remainder was labeled in part: "Fred Rosenbaum R3 Benton Harbor Mich \* \* \* Pippin."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On March 6, 1933, no claimant having appeared for the property, and the apples being then in a decaying condition, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20868. Adulteration and misbranding of butter. U. S. v. 15 Cases and 10 Cases of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reworked.** (F. & D. nos. 30395, 30396. Sample nos. 28721-A, 28756-A.)

These cases involved interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.



On January 19 and February 13, 1933, the United States attorney for the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 25 cases of butter at Hammond, Ind., alleging that the article had been shipped in interstate commerce, in part on or about January 9, 1933, and in part on or about February 1, 1933, by the Dixie Maid Creamery, from Milford, Ill., to Hammond, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gold Medal Butter Put Up Expressly for Calumet Products Co., Hammond, Indiana."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the statement, "Butter" on the package, was false and misleading, since the article contained less than 80 percent of milk fat, the amount required by law.

On February 20, 1933, Alva O. Weiss, having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$300, conditioned that it be reworked, and should not be sold or disposed of in violation of the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20869. Adulteration of butter. U. S. v. 21 Tubs and 11 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reworked.** (F. & D. nos. 29883, 29938. Sample nos. 31503-A, 31515-A.)

These cases involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On February 7 and February 20, 1933, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 32 tubs of butter at Newark, N.J., alleging that the article had been shipped in interstate commerce, on or about January 24 and February 8, 1933, by the Manchester Creamery Association, Manchester, Minn., to Newark, N.J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On February 17 and February 28, 1933, M. Augenblick & Bro., Inc., Newark, N.J., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$500, conditioned that it be reworked so that it comply with the law.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20870. Adulteration of pears. U. S. v. 511 Boxes of Pears. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 29937. Sample no. 21309-A.)

This case involved a shipment of pears that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On February 15, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 511 boxes of pears at Jersey City, N.J., alleging that the article had been shipped by E. S. Small, from Yakima, Wash., on or about February 1, 1933, and had been transported from the State of Washington into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "C. C. Woodall Company, Zillah, Washington, \* \* \* Pears Messenger \* \* \* Flemish Beauty."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On March 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20871. Adulteration of dried apple pomace. U. S. v. 65 Sacks of Dried Apple Pomace. Default decree of destruction entered. (F. & D. no. 29946. Sample no. 35105-A.)**

This case involved a quantity of dried apple pomace that was found to contain arsenic and lead in amounts that might have rendered it injurious to health.

On March 16, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 65 sacks of dried apple pomace at Cincinnati, Ohio, consigned by the Gilbert Apple Products Co., September 20, 1932, alleging that the article had been shipped in interstate commerce from Rochester, N.Y., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On March 27, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20872. Adulteration and misbranding of butter. U. S. v. 106 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29954. Sample no. 21507-A.)**

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. Certain retail cartons examined also were found to contain less than 1 pound, the declared weight.

On March 2, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 106 cartons, each containing 30 retail cartons of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on February 7, 1933, by the Spur Creamery, from Spur, Tex., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Retail carton) "C. B. L. (best butter) \* \* \* One Pound Net."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net", borne on the label, were false and misleading. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than declared.

The Spur Creamery, Spur, Tex., appeared through an agent and filed a claim for the product, admitted the allegations of the libel, and consented to the entry of a decree. On March 8, 1933, judgment of condemnation and forfeiture was entered, the decree providing that the butter be released to the claimant under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat, and that the packages be marked with the true quantity of the contents.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20873. Adulteration of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29956. Sample no. 31524-A.)**

This case involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On March 6, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure of 34 tubs of butter



at New York, N.Y., alleging that the article had been shipped in interstate commerce into the State of New York, by the Lakota Creamery Co., Lakota, N.Dak., through the Kedney Warehouse Co., Grand Forks, N.Dak., on February 17, 1933, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On March 15, 1933, S. & W. Waldbaum, Inc., New York, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20874. Misbranding of apple butter. U. S. v. 131 Cases of Apple Butter. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29959. Sample nos. 30163-A, 30419-A.)**

This case involved an interstate shipment of apple butter, sample jars of which were found to contain less than 16 ounces, the declared weight.

On or about March 28, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 131 cases of apple butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about February 2 and February 10, 1933, by the Waynesboro Fruit Exchange, from Waynesboro, Pa., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Eclipse Brand Pure Apple Butter Waynesboro Fruit Exchange, Waynesboro, Pa., Contents 16 oz."

Misbranding was alleged for the reason that the statement on the label, "Contents 16 oz.," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On March 31, 1933, the Waynesboro Fruit Exchange, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20875. Adulteration of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29960. Sample no. 31519-A.)**

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On March 2, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 17 tubs of butter at New York, N.Y., alleging that the article had been shipped by the Creighton Cooperative Creamery Co., Creighton, Nebr., in care of the Nebraska Cooperative Creameries, Inc., Omaha, Nebr., February 14, 1933, and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

The Nebraska Cooperative Creameries, Inc., Omaha, Nebr., appeared through an agent and filed a claim for the product, admitting the allegations of the libel and consenting to the entry of a decree. On March 11, 1933, judgment of condemnation and forfeiture was entered, the decree providing that the butter be released to the claimant under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

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<sup>1</sup> Contains a decision of the court.

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**United States Department of Agriculture**  
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FOOD AND DRUG ADMINISTRATION, U. S. Department of Agriculture

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

20876-20950

[Approved by the Acting Secretary of Agriculture, Washington, D.C., May 23, 1934]

**20876. Adulteration and misbranding of Lav-O-Din. U. S. v. Western Chemical Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 23071. I. S. nos. 13749, 21000, 25161.)**

Examination of the drug preparation Lav-O-Din disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the cartons and bottles. The labels in certain of the shipments contained representations that the article was an antiseptic and would destroy germs, whereas it was not an antiseptic and would not destroy germs when used as directed.

On September 28, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Western Chemical Co., Inc., a corporation trading at Hutchinson, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about June 13, 1930, and March 25, 1931, from the State of Minnesota into the State of Iowa, and on or about December 9, 1930, from the State of Minnesota into the State of Wisconsin, of quantities of Lav-O-Din that was adulterated and misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of potassium iodide, sodium chloride, carbonates, alcohol (7.8 percent by volume), and water, flavored with cinnamon oil. Bacteriological examination showed that the article was not antiseptic.

Adulteration was charged in the information with respect to portions of the article for the reason that its strength and purity fell below the professed standard and quality under which it was sold, that it was represented to be an antiseptic, and that it destroyed germs when used as directed; whereas it was not an antiseptic and would not destroy germs when used as directed.

Misbranding of the said portions was alleged for the reason that the statements, "Antiseptic", "No Germ Can Live In It", and "Kills Germs", borne on the cartons, were false and misleading. Misbranding was alleged for the further reason that certain statements, designs, and devices appearing on the bottle and carton labels, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that a portion of the article was effective as a treatment, remedy, and cure for wounds, cuts, boils, sore throat, tonsillitis, asthma, catarrh, hay fever, pyorrhea, eczema, spongy and bleeding gums, trench mouth, erysipelas, infections, abscesses, carbuncles, running sores, burns, itching eczema, piles in all forms, quinsy and nasal catarrh; effective as a dental treatment for pyorrhea and as a surgical dressing; effective as a preventive of pyorrhea and effective to retard tooth decay; and that the remainder was effective as a treatment, remedy, and cure for pyorrhea, trench mouth, spongy and bleeding gums, infections, wounds, cuts, boils, abscesses, carbuncles, running sores, burns, erysipelas, itching eczema, piles in all forms, sore throat, tonsillitis, quinsy and nasal catarrh, and effective as a surgical dressing.



On September 28, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20877. Misbranding of Sulphoradion. U. S. v. 67 Bottles of Sulphoradion. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30002. Sample nos. 21688-A, 21689-A, 21690-A.)**

Examination of the drug preparation Sulphoradion disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels.

On March 27, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 67 bottles of Sulphoradion at Newark, N.J., alleging that the article had been shipped in interstate commerce, on or about January 17, 1933, by the G. Sallusto Co., from Brooklyn, N.Y., to Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Sulphoradion \* \* \* Prepared by The Sulphoradion Co., Brooklyn, N.Y."

Analysis of a sample of the article by this Department showed that it consisted essentially of a thiocyanate such as sodium thiocyanate (3 grams per 100 milliliters), an iodide such as potassium iodide (2.7 grams per 100 milliliters), a nitrite such as sodium nitrite (0.2 gram per 100 milliliters), flavoring material, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Bottle) "Sulphoradion \* \* \* for High Blood Pressure Directions: One teaspoonful diluted in a half glass of water 3 times a day (one every five hours) until blood pressure is reduced to its optimal level. The dose is gradually reduced until the quantity required for maintenance is determined. This may be as low as one teaspoonful on alternate days. \* \* \* Important: Observe Diet Suggested by Your Physician During and after Treatment to Maintain Normal Blood Pressure"; (carton) "Sulphoradion for High Blood Pressure \* \* \* Directions: One teaspoonful in  $\frac{1}{2}$  glass of water 3 times a day (one every five hours) until blood pressure is reduced to its optimal level. The dose is gradually reduced until the quantity required for maintenance is determined. This may be as low as one teaspoonful on alternate days. \* \* \* To the Physician: \* \* \* is especially recommended in the treatment of Hypertention and may be classed as a specific. Sulphoradion causes a fall in the blood pressure, especially in the systolic with usually no Change In The Rate Of The Heart. This fall will occur when the pressure is normal as well as when abnormally high. The best results are obtained in cases of 'Essential Hyperpiesis.' In patients showing much Kidney damage or arterio-sclerosis the effect is least evident but usually occurs to some extent. Dosage—Given in doses of one teaspoonful diluted in  $\frac{1}{2}$  glass of water 3 times daily 'Sulphoradion' will cause a significant fall in blood pressure after 4 to 8 days treatment. The systolic pressure is especially affected. Also the unpleasant symptoms associated with Hypertention such as headaches, nervousness and insomnia tend to be relieved, due in part to the sedative action of the drug in addition to the decrease in blood pressure. When the blood pressure is reduced to its optimal level the dose is gradually reduced until the quantity required for maintenance is determined. This may be as low as one teaspoonful on alternate days."

On April 24, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20878. Misbranding of I-den-tine dental cream, Dr. Wayne's dental cream, and Orident dental cream. U. S. v. 47 5/6 Dozen Packages of I-den-tine Dental Cream, et al. Consent decree of condemnation, forfeiture, and destruction. (F. & D. nos. 29923, 29924, 29925. Sample nos. 20542-A, 20543-A, 20544-A.)**

This case involved the interstate shipment of three brands of dental cream which, upon examination, were found to contain no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The articles also were falsely labeled as to name of the manufacturer, and in two of the brands as to the place of manufacture.

On March 13, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court of the United States a libel praying seizure and condemnation of 47½ dozen packages each of I-den-tine dental cream, Dr. Wayne's dental cream, and Orident dental cream at New York, N.Y., alleging that the articles had been shipped in interstate commerce on or about February 23, 1933, by the Trade Laboratories, Inc., from Newark, N.J., to New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "I-den-tine Dental Cream \* \* \* Redd Chemical Company Newark, N.J."; "Dr. Wayne's Dental Cream \* \* \* Dr. Wayne's Laboratories—South Bend, Indiana"; "Orident \* \* \* Dental Cream \* \* \* Orident Laboratories New York, N.Y."

Analyses of samples of the articles by this Department showed that the I-den-tine dental cream, Dr. Wayne's dental cream, and Orident dental cream, were of similar composition consisting essentially of calcium phosphate, calcium sulphate, a small proportion of gum, traces of pepsin and an iodide, glycerin, and water, flavored with peppermint oil.

It was alleged in the libel that the articles were misbranded in that the following statements on the labels were false and misleading, since the articles were prepared by the Trade Laboratories, Inc., Newark, N.J.: (I-den-tine dental cream) "Redd Chemical Company"; (Dr. Wayne's dental cream) "Dr. Wayne's Laboratories, South Bend, Indiana"; (Orident dental cream) "Orident Laboratories, New York, N.Y." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the articles were false and fraudulent: (I-den-tine dental cream, carton) "Especially prepared for—Bleeding Gums"; (tube) "Especially prepared for Bleeding Gums, \* \* \* and Pyorrhea, \* \* \* makes the gums healthy and firm"; (Dr. Wayne's dental cream, carton) "Especially prepared for Bleeding Gums, \* \* \* and Pyorrhea"; (tube) "Especially prepared for Bleeding Gums \* \* \* and Pyorrhea. \* \* \* makes the gums healthy and firm"; (Orident dental cream, carton) "Aids in the Prevention of Pyorrhea"; (tube) "Aids in the Prevention of Pyorrhea. \* \* \* makes the gums healthy and firm."

On April 13, 1933, the Trade Laboratories, Inc., Newark, N.J., having withdrawn claim for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20879. Adulteration and misbranding of aspirin tablets and amidopyrine tablets and misbranding of Maydell D. tablets.** U. S. v. 2 Display Cards of Aspirin Tablets, et al. Default decrees of condemnation, forfeiture, and destruction. F. & D. nos. 29952, 29953, 30028, 30029. Sample nos. 21696-A, 21697-A, 21698-A, 21698-A, 31804-A, 31805-A.)

These several cases involved a quantity of alleged 5-grain aspirin tablets that were found to contain approximately 2 grains each of aspirin; a quantity of so-called "Maydell D. tablets" that were represented to contain 5 grains each of a medicinal agent or agents, and which contained less than half the declared amount of such agent (sodium benzyl succinate); and a quantity of alleged 5-grain amidopyrine tablets that contained approximately 1.74 grains of amidopyrine each. The labels of the aspirin and Maydell D. tablets bore unwarranted curative and therapeutic claims.

On March 23 and March 30, 1933, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States libels praying seizure and condemnation of 296 display cards each bearing a number of envelopes containing aspirin tablets, 22 boxes of Maydell D. tablets, and 22 boxes of amidopyrine tablets at New York, N.Y. It was alleged in the libels that the articles had been shipped in interstate commerce on or about February 12, 1933, by the Mills Sales Co., from Chicago, Ill., to New York, N.Y., and that the aspirin and amidopyrine tablets were adulterated and misbranded, and the Maydell D. tablets were misbranded in violation of the Food and Drugs Act as amended.

It was alleged in the libels that the aspirin tablets and the amidopyrine tablets were adulterated in that their strength fell below the professed standard or quality under which they were sold, "5 Grain Tablets."

Misbranding was alleged for the reason that the statements "5 grain tablets", with respect to the aspirin tablets, the statement "Tablets—5 Grains. Amidopyrine", with respect to the amidopyrine tablets, and the statement "Tablets—5 Grains", with respect to the Maydell D. tablets, were false and mis-



leading. Misbranding was alleged for the further reason that the statements (display card) "Recommended for \* \* \* Neuritis, \* \* \* and other Aches & Pains \* \* \* (to prevent gastric disturbances)", with respect to the aspirin tablets, and the statement, "For Dysmenorrhea (Painful Menstruation)", with respect to the Maydoll D. tablets, were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed.

On May 16, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20880. Misbranding of Mintol Vapocream. U. S. v. Clarence E. Worthen (The Home Relief Laboratories and the American Drug Sales Co.).**  
Plea of guilty. Fine, \$25. (F. & D. no. 28144. I. S. nos. 39071, 39072.)

Examination of the drug preparation Mintol Vapocream on which this case was based disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On February 7, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Clarence E. Worthen, trading as the Home Relief Laboratories and the American Drug Sales Co., Malden, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about October 21, 1931, from the State of Massachusetts into the State of Maine, of quantities of Mintol Vapocream that was misbranded. Certain curative and therapeutic claims were found on the jars and cartons of a portion, on the envelopes and boxes of the remainder, and in a circular accompanying both lots.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of camphor, menthol, eucalyptol, methyl salicylate, and formaldehyde, incorporated in a petrolatum base.

It was alleged in the information that the article was misbranded in the following respects: Certain statements regarding the curative and therapeutic effects of the article, appearing on the jars and cartons of a portion, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for influenza, pneumonia, Spanish influenza, congestion and inflammation; effective as a treatment for whooping cough, tonsilitis, bronchitis, catarrh, sore throat, asthma, eczema, itching piles, itching humors, and boils; effective to scatter congestion, to allay fever, and to reduce inflammation; effective to aid in opening the air passages and to loosen the phlegm in whooping cough, and as a valuable assistant remedy in the treatment of Spanish influenza and catarrh. Certain statements on the envelopes and boxes of a portion falsely and fraudulently represented that the article was effective to stop flu and pneumonia; effective as a quick relief for croup and all congestion; effective as a treatment, remedy, and cure for influenza and pneumonia; effective to scatter congestion, to allay fever, and to reduce inflammation; effective to aid in opening the air passages and to loosen the phlegm in whooping cough; and certain statements appearing in a circular shipped with both lots falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for influenza, grip, or pneumonia; and as a treatment and remedy for congestion and inflammation; effective as a remedy for pneumonia, influenza, grippe, croup, whooping cough, coughs, pleurisy, bronchitis, tonsilitis, swollen glands, boils, felons, toothache, earache, bunions, and carbuncles; effective as a relief for stiffness in joints, contracted muscles, inflammation, and wounds, and to rapidly reduce fever of all descriptions; effective to heal ailments of the throat and lungs and to scatter congestion; effective as a treatment for sore throat, catarrh, severe catarrhal conditions, asthma, and influenza, pneumonia, or la grippe; effective as a treatment, remedy, and cure for roup in fowls, distemper in horses and dogs, and pleurisy or pneumonia in horses; effective as a treatment, remedy, and cure for broncho-pneumonia, bunions, hay fever, rose colds, catarrh, and any sore, effective to relieve pain and as a relief for sore feet; and effective to take the soreness out of any sore spots on any part of the body.

On May 15, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20881. Misbranding of Breast Tea. U. S. v. 95 Packages of Breast Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29931. Sample no. 21692-A.)**

Examination of a drug preparation, known as Breast Tea, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 13, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 95 packages of Breast Tea at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about January 3, 1933, by the E. C. Diez Co., Inc., from New York, N.Y., to Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of comminuted plant material including licorice root, anise seed, coriander fruit, althea root, tussillago leaves, and mullein flowers.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label of the package, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Breast Tea \* \* \* Is an excellent remedy for all the various affections of the Throat Such as Coughs, \* \* \* Bronchitis, Sore Throat and Hoarseness. \* \* \* Is an excellent \* \* \* remedy against the various affections of the throat and the bronchial tubes and is most effective in colds of all kinds such as coughs, bronchitis, hoarseness and sore throat, etc." Misbranding was alleged for the further reason that the statement on the carton, "Guaranteed \* \* \* Under the Food and Drugs Act, June 30, 1906. Serial number 6376", was misleading, since it created the impression that the article had been examined and approved and that the Government guaranteed that it complied with the law; whereas it had not been approved, and the Government did not guarantee that it complied with the law.

On April 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20882. Adulteration and misbranding of Dr. Lee's Antiseptine powder, and misbranding of Dr. Lee's pills for kidneys, Dr. Lee's Wonderful herb tonic, Dr. Lee's vegetable female cordial, Dr. Lee's Nervine tonic, Dr. Lee's Prescription Number 3566 \* \* \* for \* \* \* kidneys, bladder & backache trouble, and Dr. Lee's rheumatic elixir. U. S. v. Corey Klein Co. Plea of nolo contendere. Fine, \$200. (F. & D. no. 27521. I. S. nos. 29706, to 29713, incl., 30905.)**

This case was based on the interstate shipment of several drug preparations. Examination of the articles disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Three of the products, female cordial, Nervine tonic, and the so-called Prescription No. 3566 were found to contain less alcohol than declared on the labels. Tests of the Antiseptine powder showed that it was not an antiseptic under the conditions of use recommended on the label.

On March 18, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Corey Klein Co., a corporation, Worcester, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of April 28, 1930 and March 24, 1931, from the State of Massachusetts into the State of Pennsylvania, of quantities of Dr. Lee's pills for kidneys, Wonderful herb tonic, vegetable female cordial, Nervine tonic, Prescription Number 3566, and rheumatic elixir, which were misbranded and of a quantity of Dr. Lee's Antiseptine powder, which was adulterated and misbranded.

Analyses of samples of the articles by this Department showed that Dr. Lee's Antiseptine powder consisted essentially of boric acid (92 percent), aluminum sulphate (7.7 percent), salicylic acid (0.08 percent), and small proportions of menthol, thymol, eucalyptol, and methyl salicylate. The article was not antiseptic when used as directed. Dr. Lee's pills for kidneys consisted essentially of material derived from vegetable drugs such as buchu, uva ursi, and pichi; Dr. Lee's Wonderful herb tonic consisted essentially of plant drugs including aloe and sarsaparilla, a small proportion of an iodine compound, methyl salicylate, sassafras oil, alcohol, sugar, and water; Dr. Lee's



vegetable female cordial consisted essentially of extracts of plant drugs such as viburnum, sugar, alcohol (by volume 8.3 percent), and water; Dr. Lee's Nerve tonic consisted essentially of extracts of plant drugs including celery, alcohol (by volume 18.5 percent), sugar, and water; Dr. Lee's Prescription No. 3566 consisted essentially of extracts of plant drugs such as uva ursi, alcohol (by volume 18.3 percent), and water; and Dr. Lee's rheumatic elixir consisted essentially of sodium salicylate (7.8 percent), alcohol, sugar, flavoring material, and water.

The information charged adulteration of the Antiseptine powder in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic, whereas it was not an antiseptic.

Misbranding of the female cordial, Nerve tonic, and Prescription Number 3566 was alleged for the reason that the statement "Alcohol 12%", borne on the carton containing the female cordial, and the statement "Alcohol 24%", borne on the cartons of the Nerve tonic and Prescription Number 3566, were false and misleading, since the articles contained less alcohol than declared on the label. Misbranding of the said female cordial, Nerve tonic, and Prescription Number 3566 was alleged for the further reason that the articles contained alcohol and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

Misbranding of the pills for kidneys was alleged for the reason that certain statements appearing on the labels of the packages falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney ailments; effective as a treatment for certain kidney and bladder troubles, and for certain inflammations of the kidneys and bladder, backache, constant desire to urinate, and troubles resulting from an abnormal action of the kidneys; effective as a treatment, remedy, and cure for pain in the back and lumbago; effective as a relief for inflammation of the bladder, and as a treatment for scanty and dark colored urine; and for the further reason that certain statements appearing in a circular shipped with the article falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney disorders; effective to eliminate uric acid from the kidneys; effective as a treatment, remedy, and cure for kidney and bladder complications which are followed by such symptoms as backache and frequent desire to urinate; effective to preserve the health by keeping the kidneys in good condition; and effective as a treatment, remedy, and cure for lumbago, pains in the back, and high colored and scanty urine.

Misbranding of the herb tonic was alleged for the reason that certain statements appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for rheumatism, lumbago and all disorders caused by uric acid and diseases of the stomach, liver, kidneys, and bowels; effective as a nerve tonic, system cleanser, and system purifier; and effective as a treatment, remedy, and cure for all blood diseases, stomach and liver complaints, rheumatism, enlargement of the liver, diseases of the kidneys, and nervous debility.

Misbranding of the female cordial was alleged for the reason that certain statements appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for nervous prostration, sick headache, chronic congestion, inflammation of the womb, irregular or painful menstruation, leucorrhoea, vomiting in pregnancy, and all diseases peculiar to women; effective to relieve pain, and to speedily restore the system wasted by disease to a healthy, normal condition; and effective as a treatment for weakening disorders of the female generative organs in ailments not requiring surgical treatment.

Misbranding of the Nerve tonic was alleged for the reason that certain statements appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a treatment for weak and shattered nerves, nervous debility, weakness, despondency, nervous and simple headache, loss of appetite, and other affections of the nervous system; effective as a general tonic; and for the further reason that certain statements appearing in a circular shipped with a portion of the article falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for destruction of tissue caused by unusual strain due to illness, overwork, or worry; effective as a treatment for tired feeling, physical exhaustion, dyspepsia, indigestion,

and chronic constipation; effective as an alterative and tonic medicine which improves the appetite and general condition; and effective as a treatment, remedy, and cure for jaded nerves, mental exhaustion, and sick or nervous headache.

Misbranding of the Prescription Number 3566 was alleged for the reason that certain statements appearing on the bottle and carton labels falsely and fraudulently represented that it was effective as a treatment for disorders of the kidneys, bladder and backache trouble; effective as a treatment for preliminary disorders leading to acute and chronic diseases of the kidneys, liver and bladder, uric acid, gravel or stone in the bladder, retention of urine, pain in urinating, thick, sluggish or scanty urine, irritation, inflammation or catarrh of the bladder, pain in the urethra, diabetes, and gout.

Misbranding of the rheumatic elixir was alleged for the reason that certain statements on the bottle and carton labels falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for rheumatism and acute, chronic, inflammatory or sciatic pains, gout, lumbago, and inflammation of the joints; and effective as a treatment for gout, lumbago, kidney ailments of certain kinds, and inflammation of the joints.

Misbranding of the Antiseptine powder was alleged for the reason that the statements, "Antiseptine \* \* \* Antiseptic \* \* \* Directions \* \* \* Increase or diminish according to conditions", borne on the label, were false and misleading, since the article was not an antiseptic when used as directed; and for the further reason that certain statements appearing on the labels of the boxes falsely and fraudulently represented that it was effective as a relief for irritation and soreness of unhealthy and diseased mucous membranes; effective as a remedy for such ailments as catarrhal conditions of the nose and throat, tonsillitis, prickly heat, hives, sunburn, eczema, pruritus, pruritus vulvae, and pruritus ani; effective to reduce temperature; and effective as a treatment for typhoid, pneumonia, scarlet fever, chicken pox, and measles; effective for gastric and intestinal irrigation; and effective as a treatment and remedy for internal hemorrhoids, cystitis, nose and throat irritations, leucorrhea, and vaginal irritation.

On April 17, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20883. Misbranding of Ballard's Golden oil. U. S. v. Isaac A. Ballard (Ballard Golden Oil Co.). Plea of guilty. Fine, \$25. (F. & D. no. 29388. I. S. nos. 33825, 39084.)**

Examination of the drug preparation Ballard's Golden oil disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle labels, wrappers, and circulars.

On March 3, 1933, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Isaac A. Ballard, trading as Ballard Golden Oil Co., Old Town, Maine, alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, between the dates of February 17, 1931 and January 30, 1932, from the State of Maine into the State of Massachusetts, of quantities of Ballard's Golden oil that was misbranded.

An analysis of a sample of the article by this Department showed that it consisted essentially of linseed oil (96 percent) containing small proportions of volatile oils including peppermint oil, cedar oil, organum oil, camphor and methyl salicylate.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing on the bottle label, wrapper, and circular, falsely and fraudulently represented that it was effective as a relief for croup, colic, asthma, common sore throat, whooping cough, muscular rheumatism, lame back, chilblains, fresh wounds, and external pains; effective as a treatment, remedy, and cure for croup, common sore throat, colic, muscular rheumatism; effective as a foe to inflammation, and effective as an emergency remedy for loosening and healing qualities in ailments of children.

On March 29, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20884. Adulteration of ether. U. S. v. Three 5-Pound Cans and Twelve 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 29669. Sample nos. 30743-A, 30745-A.)

This case involved the interstate shipment of a quantity of ether, samples of which were found to contain peroxide, a decomposition product.

On December 29, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of three 5-pound cans and twelve 1-pound cans of ether at Seattle, Wash., alleging that the article had been shipped on or about July 1, 1932, by the Blumauer Frank Drug Co., from Portland, Oreg., to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ether for Anesthesia Mallinckrodt Chemical Works."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by tests laid down in said pharmacopoeia and its own standard was not stated on the label.

On February 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20885. Misbranding of Cold Inhalant. U. S. v. 336 Bottles of Cold Inhalant. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 30055. Sample no. 23401-A.)

This action involved an interstate shipment of Cold Inhalant, a drug preparation, the package of which failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On April 5, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 336 bottles of Cold Inhalant at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about January 21, and January 24, 1933, by the American Pharmaceutical Co., from New York, N.Y., to San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils (approximately 30 percent by volume), including menthol and lavender oil, and alcohol (70 percent by volume).

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On April 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20886. Misbranding of Cal Spa mineral water. U. S. v. 46 Bottles, et al., of Cal Spa Mineral Water. Decrees of condemnation and forfeiture. Portion of product destroyed. Remainder released under bond to be relabeled.** (F. & D. nos. 29994, 30347, 30643. Sample nos. 23040-A, 30981-A, 40113-A.)

Examination of the composition and labeling of the Cal Spa mineral water involved in these cases disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was found to contain materially less potassium iodide than declared on the label.

On March 30, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 bottles of Cal Spa mineral water at San Francisco, Calif., alleging that the article had been shipped in interstate commerce into the State of California, on or about March 1, 1933, by F. A. Wiggins, from Seattle, Wash. On or about April 22, 1933, a libel was filed in the Western District of Washington against 29 cases of Cal Spa mineral water at Seattle, Wash., and on June 21, 1933, a libel was filed in the Northern District of Ohio against 33 bottles of the product at Youngstown, Ohio, alleging shipment of the said lots, on or about

March 25, 1933, by the Natural Products Co., from Eugene, Oreg., into the States of Washington and Ohio, respectively. All libels charged that the article was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of water containing salts of calcium, magnesium, potassium, and sodium, including iodide equivalent to not more than 1.75 grains of potassium iodide per gallon.

The libels alleged that the article was misbranded in that the statement, "Certified Analysis Grains Per U. S. Gallon \* \* \* Potassium Iodide 106.00", was false and misleading, since analysis showed materially less potassium iodide. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Label, front panel) "Tonic Corrects Acidity of the entire system"; (back panel) "Normal health is regained by correct functioning of bodily organs, glands, and blood stream. These all act properly when acidity of the entire system is corrected and mineral deficiencies of calcium and iodine are restored. As Cal-Spa replenishes these deficiencies it is recommended in the treatment of: Kidney Ailments, Stomach Disorders, Pulmonary Infection, Skin Eruptions, Hay Fever, Rheumatism, Goitre, Nervousness, and as a general tonic in regaining and maintaining normal health. \* \* \* In very rundown conditions \* \* \* In some cases there is a slight reaction. This is caused by correction of acidity and elimination of poisons. \* \* \* For \* \* \* infection use full strength. \* \* \* For catarrh or Hay Fever"; (small strip label) "Tonic."

On April 26, 1933, and September 5, 1933, no appearance or claim having been entered in the cases instituted in the Northern District of California and Northern District of Ohio, judgments were entered condemning the product and ordering that it be destroyed. The Cal-Spa Co., Eugene, Oreg., entered an appearance in the case instituted in the Western District of Washington, admitted the allegations of the libel, and consented to the entry of a decree. On April 27, 1933, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled so that it conform with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20887. Misbranding of Felsol. U. S. v. 49 Large Packages, et al., of Felsol. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30069, 30114. Sample nos. 22694-A, 22695-A, 23408-A, 23409-A.)**

Examination of the drug preparation Felsol disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. One of the ingredients present in the article was acetanilid, which was not declared as required by law. The cartons enclosing certain lots bore statements representing that the article was harmless, whereas it contained drugs that might be harmful.

On April 10 and April 19, 1933, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 168 large packages and 194 small packages of Felsol at San Francisco, Calif., alleging that the article had been shipped in interstate commerce between November 11, 1932 and April 5, 1933, by the American Felsol Co., from Lorain, Ohio, to San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. Certain portions of the article were contained in labeled cartons, some of which were also accompanied by a small circular. The packages in certain of the lots contained a blank prescription. All lots were accompanied by a large circular.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mixture of synthetic drugs including antipyrine, acetphenetidin and caffeine, an organic iodine compound, and material derived from plant drugs including lobelia.

It was alleged in the libels that all lots were misbranded in that the packages failed to bear a statement of the quantity or proportion of acetanilid contained in the article. Misbranding was alleged with respect to certain lots for the further reason that the statement on the carton, "Guaranteed to be absolutely harmless", was false and misleading, since the article contained acetanilid and antipyrine, dangerous drugs that might be harmful. Misbranding was alleged with respect to all lots for the further reason that the following statements



regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton of portion) "Felsol Indicated in Asthma and Hay Fever \* \* \* guaranteed to be absolutely harmless even when used continuously. The most delicate patients need not fear any bad effects in regard to the heart, stomach or kidneys"; (small circular accompanying certain lots) "Felsol for Angina Pectoris! Cases of Angina Pectoris in elderly patients, caused by arteriosclerosis, have never yet failed to respond promptly and favorably to 'Felsol' treatments"; (large circular accompanying all lots) "Felsol is indicated in: Bronchial and Cardiac Asthma, Angina Pectoris, Chronic Bronchitis, Spasmodic or Convulsive Cough, Hay Fever \* \* \* The various ingredients stimulate the pulmonary and cardiac organs \* \* \* produces no bad after effects, \* \* \* Directions To check an attack of asthma one to two powders are generally required, the second powder to be given from two to three hours after the first. In rare cases a third powder may be found necessary. It is always advisable to continue taking a few powders a day for several days after the attack. \* \* \* After the patient has sufficiently recovered, the dosage may be still further reduced and a powder twice a week has proved sufficient in many cases to maintain the patient's well being. In less severe cases the dosage may be reduced from the beginning of the treatment, while in severe chronic cases of long standing it may have to be increased. \* \* \* in case symptoms of an approaching attack are perceived, such as nervous excitation, headache, itching of the nose or the skin, \* \* \* symptoms, to start taking from one to two powders during the day. In this way the actual spasm is usually to the greatest extent and often completely prevented. For children from 2 to 10 years of age the dose may be cut to  $\frac{1}{4}$  or  $\frac{1}{2}$  the full dose. \* \* \* possesses the power to promptly check or relieve the asthmatic attack peculiar to the former. 'Felsol'—is reliable in its action even in chronic cases of long standing \* \* \* 'Felsol'—is adapted for the prophylaxis of the attack, and if taken in time, or as soon as symptoms of the approaching attack are perceived will as a rule prevent it. \* \* \* 'Felsol'—does not produce bad after effects, such as headache, vomiting, exhaustion, etc.; it stimulates the desire for mental and physical activity."

On May 3, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20888. Adulteration and misbranding of Frigidine tooth paste. U. S. v. 68 Packages of Frigidine Tooth Paste. Default decree of condemnation and destruction.** (F. & D. no. 26464. I. S. no. 28744. S. no. 4677.)

Examination of the product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Bacteriological tests also showed that the article was not an antiseptic, as claimed.

On June 9, 1931, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 68 packages of Frigidine tooth paste at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about November 13, 1930, by Frigidine, Inc., from New York, N. Y., to Norfolk, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, soap, a magnesium compound, carbon tetrachloride (1.2 percent), gum, glycerin, and water, flavored with peppermint oil.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, namely, "Antiseptic", and its strength fell below such professed standard, since it was not an antiseptic.

Misbranding was alleged for the reason that the statements on the carton and tube, "Its gentle antiseptic properties" and in the circular, "Frigidine Tooth Paste is \* \* \* actively antiseptic in its action", were false and misleading when applied to an article that was not an antiseptic. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton and tube) "Strengthens and tones the gums and its use is indicated in the prevention of and treatment of gingivitis, trench mouth and pyorrhea";

(circular) "Strengthens the gums, thus preventing oral decay. \* \* \* in the art and treatment for the teeth, mouth and gums. \* \* \* The gums will become firm, the flow of saliva will be aided and the discoloration and stains caused by tartar will be removed and the future presence of tartar and lime deposits will be prevented by the continued use of this superior tooth paste. \* \* \* Many dentists have prescribed this tooth paste, especially for severe cases of gingivitis and trench mouth, \* \* \* keep the \* \* \* gums healthy \* \* \* women will find that Frigidine Tooth Paste may be used with great effect on teeth that are in poor condition and on tender gums which have been caused either by reason of the user's general health condition or by the frequent use of harmful abrasive tooth paste."

On July 14, 1931, Frigidine, Inc., New York, N. Y., intervened as claimant and filed an answer to the libel. On May 15, 1933, the claimant having failed to appear at the time set for hearing, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20889. Misbranding of Gadoxin. U. S. v. Andrew A. McCaffrey (The Gadoxin Co.). Plea of nolo contendere. Fine, \$25. (F. & D. no. 28155. I. S. nos. 30678, 42774.)**

Examination of the drug preparation Gadoxin disclosed that it contained no ingredient or combination or ingredients capable of producing certain curative and therapeutic effects claimed on the box labels and in circulars shipped with the article.

On March 7, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Andrew A. McCaffrey, trading as the Gadoxin Co., Worcester, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 8, 1931, from the State of Massachusetts into the State of Rhode Island, and on or about February 2, 1932, from the State of Massachusetts into the State of Connecticut, of quantities of Gadoxin that was misbranded. The boxes were labeled the same in both shipments. The circular accompanying the second shipment differed from that in the first.

Analysis of a sample of the article by this Department showed that it consisted essentially of pink tablets containing sodium bicarbonate flavored with methyl salicylate and colored with a pink dye; and brown tablets containing potassium iodide, cinchophen, small proportions of phenolphthalein, guaiac resin, and extracts of plant drugs, including ginger and a laxative drug.

It was alleged in the information that the article was misbranded in the following respects: Certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the boxes in both shipments, falsely and fraudulently represented that the article was effective as a specific for rheumatism, neuritis, and lumbago and as a treatment for both acute and chronic rheumatism, neuritis, lumbago, arthritis, sciatica, and kindred affections; certain statements appearing in the circular shipped with one of the lots falsely and fraudulently represented that the article was effective as a dependable treatment for simple rheumatic aches and pains, as a quick relief in stubborn cases, and to ensure freedom from pain; and certain statements appearing in the circular shipped with the second lot falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for swelling of the limbs and feet, stiffness in the shoulders and loss of strength, and effective as a quick relief in stubborn cases. Misbranding was alleged for the further reason that the statement, "Guaranteed \* \* \* to comply with all National and State Pure Food and Drug laws", borne on the box label, was false and misleading, since the article did not comply with the Federal Food and Drugs Act.

On March 27, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20890. Adulteration of tongaline and lithia tablets. U. S. v. Mellier Drug Co. Plea of guilty. Fine, \$50. (F. & D. no. 27530. I. S. no. 11948.)**

This action was based on a shipment of drug tablets that were found to contain a smaller amount of sodium salicylate than declared on the label.

On March 19, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the



district court of the United States an information against the Mellier Drug Co., a corporation, St. Louis, Mo., alleging shipment by said company in violation of the Food and Drugs Act on or about February 6, 1931, from the State of Missouri into the State of California, of a quantity of tongaline and lithia tablets that were adulterated. The article was labeled in part: "Tongaline and Lithia Tablets \* \* \* Mellier Drug Company \* \* \* St. Louis \* \* \* Each tablet contains 2 grains Sodium Salicylate."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of the tablets was represented to contain 2 grains of sodium salicylate, whereas they contained not more than 1.706 grains of sodium salicylate.

On March 29, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20891. Misbranding of Granger Vegetable Teatonic. U. S. v. The DeVore Manufacturing Co. Plea of guilty. Fine, \$5. (F. & D. no. 28143. I. S. no. 37365.)**

Examination of the drug preparation, Granger Vegetable Teatonic, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels and in a circular shipped with the article.

On September 10, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the DeVore Manufacturing Co., a corporation, Columbus, Ohio, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 23, 1931, from the State of Ohio into the State of Indiana, of a quantity of Granger Vegetable Teatonic that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of plant drugs including laxative drugs, a bitter drug and licorice, small proportions of iron and ammonium compounds, glycerin, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective as a system cleanser and tonic for stomach, liver, and kidneys; effective as an aid to nature in overcoming rheumatism, liver, kidney, and stomach trouble, and in rebuilding weak, overworked, and run-down systems; effective as a treatment, remedy, and cure for kindred ills; and effective to tone up the system; and for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, borne in the circular shipped with the article, falsely and fraudulently represented that it was effective as a grand system treatment; and effective as a depurative, as a resolvent, as a hepatic, and as a stimulant.

On May 4, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20892. Adulteration and misbranding of Nuran tablets. U. S. v. 114 Packages of Nuran Tablets. Default decree of condemnation, forfeiture and destruction. (F. & D. no. 29801. Sample no. 4763-A.)**

Examination of the drug preparation Nuran tablets disclosed that the article contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed; also that it contained drugs that might affect or depress the heart, contrary to the claims in the labeling. Analysis showed that the article contained less acetphenetidin than declared.

On February 7, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 114 packages of Nuran tablets at Chicago, Ill., alleging that the article had been shipped in interstate commerce, September 23, 1932, by the LaSalle Laboratories, from Detroit, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of tablets containing in each: Acetphenetidin, 1.8 grains; acetylsalicylic acid, 3.7 grains; and caffeine, 0.25 grain.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (container) "Contains Acetphenetidín \* \* \* 2 Grains per Tablet."

Misbranding was alleged for the reason that the statements on the container, "Contains Acetphenetidín \* \* \* 2 grains per tablet. \* \* \* Does not affect the heart"; and (leaflet) "Does not depress the heart", were false and misleading. Misbranding was alleged for the further reason that the label failed to bear a correct statement of the quantity or proportion of acetphenetidín, an acetanilid derivative, contained in the article, and for the further reason that the following statements, regarding its curative and therapeutic effects, were false and fraudulent: (Container) "Nuran \* \* \* used with conspicuous success in \* \* \* Toothache, \* \* \* Neuritis, Tonsillitis, Sore Throat, Menstrual Pains, \* \* \* Rheumatism, Influenza"; (leaflet) "Nuran \* \* \* safer \* \* \* more effective for Pain \* \* \* etc."

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20893. Misbranding of Frye's Hydrocarboline spray solution. U. S. v. 31 Bottles of Frye's Hydrocarboline Spray Solution. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29983. Sample no. 34584-A.)**

Examination of the drug preparation, Frye's Hydrocarboline spray solution, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 24, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 31 bottles of Frye's Hydrocarboline spray solution at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about January 31, 1933, by the Geo. C. Frye Co., from Portland, Maine, to Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of liquid petrolatum containing 1.5 percent of volatile oils including menthol, thymol, eucalyptol, and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle label and in an accompanying circular, were false and fraudulent: (Circular) "Aseptic \* \* \* For Throat and Nose. \* \* \* Unlike Atomizers which throw only coarse, heavy streams that are liable to do injury to an inflamed membrane, \* \* \* The fineness of its vapor causes it to penetrate every portion of the respiratory tract. \* \* \* a perfect vapor of antiseptic spray held in contact with inflamed surfaces of the middle ear and eustachian tubes, resulting in much benefit when defective hearing or humming in the ears is caused by acute inflammation or chronic catarrh. By a similar manipulation of the Hydrocarboline Nebulizer, the medicated vapor can be forced into the tubes and air cells of the lungs, giving a local application to the inflamed mucous membranes of bronchial tubes and recesses of lungs, which renders it invaluable in the treatment of Bronchial Catarrh, Acute Bronchitis, Pneumonia or Tuberculosis"; (bottle) "A Valuable Spray for the Treatment of Throat and Nasal Affections \* \* \* Especially prepared for use in our Aseptic Hydrocarboline Nebulizer."

On April 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20894. Misbranding of Tan-A-Wa tonic and Tan-A-Wa Nervine. U. S. v. 50 Bottles of Tan-A-Wa (Tonic) and 18 Bottles of Tan-A-Wa Nervine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29773, 29774. Sample nos. 30051-A, 30052-A.)**

Examination of the drug preparations involved in these cases disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings.



On January 26, 1933, the United States attorney for the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States libels praying seizure and condemnations of 50 bottles of Tan-A-Wa tonic and 18 bottles of Tan-A-Wa Nervine at Columbia City, Ind., alleging that the articles had been shipped in interstate commerce, on or about October 18, 1932, by the Tan-A-Wa Medicine Co., Inc., from Columbus, Ohio, to Columbia City, Ind., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that Tan-A-Wa tonic consisted essentially of extracts of plant drugs including laxative drugs, berberis, and red pepper, a small proportion of a salicylate, alcohol, and water; and that Tan-A-Wa Nervine consisted essentially of potassium bromide (5.65 grams per 100 milliliters), ammonium bromide (2.28 grams per 100 milliliters), sodium benzoate, valerian, flavoring material including vanillin, sugar, and water.

It was alleged in the libels that the articles were misbranded in that the following statements, regarding the curative and therapeutic effects of the articles, were false and fraudulent: (Tan-A-Wa carton) "Digestive, Hepatic, \* \* \* and Tonic \* \* \* Assimilative Properties"; (Tan-A-Wa circular) "Tonic \* \* \* This tonic \* \* \* a product that will give the very best results to anyone who is in need of a good, all-around tonic. \* \* \* one of the best tonics \* \* \* tonics. \* \* \* have a tendency to strengthen the system. \* \* \* promotes the discharges from the throat and lungs. \* \* \* Depurative. \* \* \* effects a beneficial change in the system \* \* \* cleanses from all impurities. \* \* \* Hepatic and Stimulant Tonic. It acts on the liver and stimulates the system. \* \* \* Emmenagogue and Hepatic. \* \* \* promotes the menstrual flow in women, and also acts favorably on the kidneys. \* \* \* cleansing qualities. \* \* \* a Resolvent \* \* \* a resolvent because of its ability to disperse inflammation, while its Diuretic qualities work on the kidneys, causing them to function properly. \* \* \* and how they work on the human system. It is intended to overcome many ailments which are caused by constipation and the impurities which contaminate the system. This medicine is recommended to \* \* \* assist the kidneys to perform their work, and impart strength to those parts which have become affected by improper functioning. \* \* \* cleansing, purifying and toning properties \* \* \* it helps to keep the system clean and in proper tone"; (Tan-A-Wa Nervine, bottle label and shipping carton) "Nervine \* \* \* Indicated as a Sedative in Nervous Disturbances, Sleeplessness \* \* \* Restlessness \* \* \* Relaxes the Nerves, Calms the Body and induces Deep, Sound Sleep. Dose: One to two teaspoonfuls after meals"; (Tan-A-Wa Nervine, bottle carton) "Nervine \* \* \* A Nerve Sedative Dose:—One or two teaspoonfuls after meals. \* \* \* Nervine \* \* \* in the treatment of most nervous diseases. It quiets the nerves, and gives natural sleep that is so necessary for a feeling of well-being. \* \* \* Indicated as a Sedative in Nervous Disturbances, Sleeplessness, Restlessness \* \* \* Relaxes the Nerves—Calms the Body and Induces Deep, Sound Sleep. \* \* \* for relieving nervous disturbances and nerve irritation. Beneficial to man, woman and child"; (Tan-A-Wa Nervine booklet) "Nervine A Nerve Sedative \* \* \* a direct sedative to the general nervous system and in the treatment of diseases arising from this cause, it gives excellent results. Dipsomania, Drunkenness and Delirium Tremens. Are produced by the nervous system. The craving for alcoholic drink is due to a very nervous temperament, and the person so afflicted drinks too freely and becomes drunk. Continuous drunkenness will result in Delirium Tremens. Treatment: In treating cases of drunkenness or delirium tremens \* \* \* Take four teaspoonfuls in a cup of water every hour or two until the patient becomes quiet. \* \* \* If patient does not sleep soundly at nights take a dose or two of this medicine in the evening. Those who desire to break the habit will find this medicine a wonderful aid to exercising the will-power by taking two or three teaspoonfuls, three times daily. Epilepsy—Fits This disease is of a two-fold character, the first is very severe and is characterized by convulsions and loss of consciousness. In many instances the patient falls insensible, the face becomes pale, the head is drawn backward or sidewise, froths at the mouth, grinding of teeth, and the tongue is frequently bitten. It usually lasts from two to five minutes, after which the patient falls into a deep sleep from which he awakes with a feeling of exhaustion and confusion of mind. In the second or lighter form, which is

known as epileptic vertigo, the person suddenly stops; then goes on as usual. Some cases there is a sudden dizziness, and a partial loss of consciousness, after which it passes off. Between these two cases there are other forms. In some cases the memory fails and the patient becomes irritable, melancholy and morose. The worst cases often terminate in insanity or imbecility. Treatment: Adults of normal weight usually take two teaspoonfuls three times a day. Smaller persons and children take less, according to their weight. Bowels should be kept open. If cases follow in rapid succession, an extra dose may be given. \* \* \* Nervousness, Hysteria May be greatly benefited by the use of this medicine. Persons subject to nervous headaches will find great relief by taking this medicine regularly three times a day for a month or two at least. The bowels must be kept regular in order to get the proper results. When a headache begins, take two teaspoonfuls in a half cup of water, and, if possible, obtain a few minutes sleep. Nervousness is caused from Nerve Weakness, the nerve energy being impaired. In this case, this medicine should be taken—two teaspoonfuls three times a day in half a cup of water. If not relieved take another dose at bedtime. Be sure to keep the bowels open at all times. Hysteria is another manifestation of nervous irritation. Persons troubled with this disease cry easily, laugh at almost nothing, and do not seem able to control themselves. This medicine, as before described, being a nerve sedative, will tend to quiet the nerves and by exercising will power, the patient may actually overcome this trouble. Nervous Dyspepsia, Nervous Irritation and Neuralgia. Are all three traced to the nerves. Nervous Dyspepsia is usually the result of a nervous stomach. Care, anxiety, headache, dizziness, etc., greatly weaken these nerves. In the case of nervous dyspepsia there is nothing more important than diet. It is impossible to set forth a diet that will suit each case, but it will be found that by eliminating the following list of foods, which tend to disturb the digestive functions, the patient will be relieved. Biscuits, pancakes, Fresh Bread, Cakes, Mince Meat Pie, and all highly seasoned pastries; canned meats, salt pork, and boiled cabbage. Watch your diet and do not eat the things that seem to cause your stomach pain. Take this medicine regularly in two teaspoonful doses regularly three times daily. Nervous irritation is solely the result of deranged nerves, in reality, a nervous exhaustion. In other words, a breaking down of the nerves. Many troubles arise from this cause such as Dizziness, Headache, Sleeplessness, Anxiety, Weakness of the Heart, Eyes, Stomach, etc. Excess in eating, drinking, overwork, etc., are sources of this irritation. This medicine as above directed, with care in your diet, plenty of gentle exercise, moderate living, will restore these nerves and the patient will gain natural health rapidly. Neuralgia is of varied forms. Its symptoms are acute intermittent pains along the course of certain nerves and their branches. No fever or inflammation. In severe cases excruciating, citing, tearing, burning pain may follow. Facial Neuralgia, in which the nerve supplying the side of the face, eye, teeth and jaw is involved. Another form called Sciatica, affecting the great nerve below the hips and running down the back of thigh. For these and similar cases, this medicine should be taken as already described in two teaspoonful doses regularly three times a day for some time, taking as much rest and freedom from cares and worry as possible. Sleeplessness is often due to an irritated condition of the brain the same as headache. In mild cases two or three teaspoonfuls of this medicine in water before retiring will cause the patient to obtain a restful night's sleep. Cases more severe and of longer duration should be treated by two teaspoonful doses three times a day, the last dose just before retiring, and as the patient begins to improve and obtains sleep and rest, diminish the treatment gradually until thoroughly recovered. \* \* \* Nervous diseases \* \* \* In Nervous Diseases \* \* \* The Digestive Organs are composed of hundreds of nerves, and any fault in digestion is registered by these nerves and may cause serious trouble. \* \* \* Diet for Nervous Irritability \* \* \* diet is the most essential thing in treating any disease arising from Nervous Disorders \* \* \* Diet Suggested for Epileptics While this is also a nervous disease it differs from the Nervous Irritability \* \* \*.”

On March 11, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20895. Misbranding of compound syrup of tolu. U. S. v. 132 Bottles of Compound Syrup of Tolu. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29947. Sample no. 7861-A.)**

Examination of the drug preparation, compound syrup of tolu, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels; also that the article contained alcohol and that the label failed to declare the presence of the alcohol.

On March 20, 1933, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 132 bottles of the said compound syrup of tolu, that was being offered for sale at San Juan, P.R., alleging that the article was in possession of Serra, Garabis & Co., Inc., San Juan, P.R., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Translation from Spanish) "Compound Syrup of Tolu \* \* \* The Flar Medicine Co. Porto Rico."

Analysis of a sample of the article by this Department showed that it consisted essentially of tolu, sodium benzoate, alcohol (1.4 percent), sugar, and water.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle) "Indicated in the Sub-Acute and Chronic Inflammations of the Respiratory Tract. Stimulant"; (carton) "For the Treatment of the Respiratory Tract."

On April 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20896. Misbranding of Save-The-Horse treatment. U. S. v. 97 Bottles of Save-The-Horse Treatment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29903. Sample no. 27993-A.)**

Examination of the drug preparation, Save-The-Horse treatment, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the bottle label, carton, circular, and booklet shipped with the article.

On March 7, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 97 bottles of Save-The-Horse treatment at San Francisco, Calif., alleging that the article had been shipped in part on or about August 12, 1932, and in part on or about November 15, 1932, by the Troy Chemical Co., Inc., from Binghamton, N.Y., to San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils, such as turpentine oil and tar oil (72 percent by volume), a trace of an iodine compound, and alcohol (15 percent), by volume.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle and carton labels and in the circular and booklet, were false and fraudulent: (Bottle) "Save-The-Horse [cut showing diseased condition of horses' legs] For Lameness In Cases Of Bone Spavin, Ringbone (Except Low Ringbone) Splint, Windpuff \* \* \* and bandage only in such specific cases as are described in Book of Directions which accompanies each bottle"; (carton) "Save-The-Horse Treatment \* \* \* Lameness in cases of established Bone Spavin Splint Ringbone (except low ringbone) Lameness and enlargement of Bog Spavin \* \* \* Thoroughpin [cut showing diseased conditions of horses' legs] Capped Hock, Wind Puff; \* \* \* Bowed Tendon; Shoulder, Hip, and Certain Foot and Other Lameness \* \* \* around the enlargements and all parts that are affected. \* \* \* The potency of Save-The-Horse lies in its concentrated penetrating, absorbing properties. \* \* \* Save-The-Horse has unusual penetrating, absorbing properties"; (circular) "Save-The-Horse Treatment \* \* \* Savoss—coined from the name Save-The-Horse \* \* \* The famous old formula for Save-The-Horse Treatment \* \* \* Many prominent and successful Veterinarians and scores of reputable dairymen are now

extensively using this treatment as an aid for cows in such cases as caked udder, in connection with garget or congestion, when such conditions are of a reducible nature and amenable to external treatment. \* \* \* In case of considerable inflammation and fever, when required, first apply ice or cold water packs; or, hose or shower the udder. The longer this is kept up the better. Afterwards thoroughly dry and apply Savoss as above directed. It may be used also for injuries to the stifle which so unexpectedly happen to cows, often from unknown causes. For Humans Also: Thousands have used it successfully for relief of pain from bunions; for unbroken Varicose Veins; for soft and hard enlargements, that are of a reducible nature; for \* \* \* 'House-Maids-Knee,' \* \* \* and disablenents"; ("Guarantee-Contract") "Save-The-Horse Treatment Guarantee-Contract \* \* \* Troy Chemical Co., Inc., of Binghamton, N.Y., U.S.A. herewith contracts with Mr. ----- \* \* \* to refund to him the full price of Save-The-Horse to treat a case of ----- on horse \* \* \* in the event that treatment should fail, providing he uses the number of bottles of 'Save-The-Horse Treatment' the case he is treating requires, as specified on the other side of this Guarantee-Contract. Troy Chemical Co., Inc. F. O. Van Der Kar Send in Purchaser's Acknowledgment Attached to Make Contract Valid. \* \* \* Even though you know the power of this remedy and are positive it will cure your horse, the Purchaser's Acknowledgment on file at our office is a safeguard for you \* \* \* Class One—One bottle of Save-The-Horse is required for any one case of Bone, Bog or Blood Spavin, \* \* \* Splint, Sidebone, Capped Hock, Shoe-Boil, Acute Cellulitis (inflammation of the cellular tissue), Thrush, Gravel, Corns, Contracted Hoof, Founder, Quittor, Fistula, Poll-Evil; also high Ringbone, \* \* \* Class Two—Two bottles of Save-The-Horse are required for any one case of Thoropin in combination with Bog Spavin; Wind Puff; Seriously Injured, Filled, Bowed or 'Sprung' Tendon or Ligament; Enlarged \* \* \* Ankle; Shoulder, Hip or Stifle Lameness, including displacement of stifle of colts. \* \* \* Special Cases—For all Special Cases, not covered in Classes One or Two, full particulars and the history of the case are first required. These include such ailments as Sprung Knee, Cocked Ankle, Rope-Burn, Displacement of Stifle, Open Joint, Sweeney, Lymphangitis, Low Ringbone, Wire Cuts, certain kinds of Kicks and Nail Punctures, use of the Remedy to locate Lameness, etc. For most of these conditions, we will give a Special arrangement, when supplied with the facts in the case, and also give full directions for the use of Save-The-Horse. \* \* \* Purchaser's Acknowledgement Of Contract \* \* \* I agree to fulfill to the best of my ability my part of the contract by applying the remedy faithfully as directed on Label on bottle, using the number of bottles on this case as is required in Class ----- in the Guarantee, and if after using this number of bottles a cure is not effected, I will promptly notify said Company, and will furnish satisfactory evidence of such failure, and it will then be my right to demand and receive back the full amount I paid for Save-The-Horse Treatment"; (booklet) "In cases of established growths such as Bone Spavin and Ringbone, \* \* \* If, after two or three courses, Save-The-Horse does not take hold, making a scurf, each first course may be extended to 10 or 12 days \* \* \* One great advantage and economy in using Save-The-Horse is that, while under treatment, the horse may be given consistent exercise or work. \* \* \* Bone and Blind Spavin Lameness \* \* \* Thoroughpin \* \* \* Capped Hock \* \* \* Wind-Puff or Wind-Gall \* \* \* Enlarged and Injured Ankle or Fetlock \* \* \* Cocked Ankle Or Knuckling \* \* \* Congestion or 'Stocking' \* \* \* Pus or Abscess \* \* \* Shoulder Lameness \* \* \* 'Sweeney' \* \* \* Thickened Glands \* \* \* Poll Evil \* \* \* Fistulous Withers \* \* \* Thistlelo \* \* \* Shoe Boil or Capped Elbow \* \* \* Hip and Whirlbone Lameness \* \* \* Stifle Lameness \* \* \* 'Slipping', 'Luxation' of Stifle \* \* \* Enlarged, Capped and Injured Knee \* \* \* Sprung Knee \* \* \* Splint \* \* \* Ringbone or 'Cling-Fast', and 'Osslets' \* \* \* Side-Bone \* \* \* 'Blood Wart' \* \* \* Hoof-Bound and Founder or Laminitis \* \* \* Nail Wound in Hoof \* \* \* 'Open Joint' \* \* \* Rheumatism \* \* \* 'Filled' Tendon \* \* \* Bowed Tendon and \* \* \* 'Bucked' or Sore Shin \* \* \* Thickened Tendon \* \* \* Contracted Tendon \* \* \* as an absorbent."

On April 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20897. Misbranding of White Cross liver medicine. U. S. v. 90 Cartons of White Cross Liver Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29811. Sample no. 32678-A.)**

Examination of the drug preparation, White Cross liver medicine, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the box label, and in the circular shipped with the article.

On February 21, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 90 cartons of White Cross liver medicine, alleging that the article had been shipped on or about September 2, 1932, by the American Drug Co., from Mobile, Ala., to Jacksonville, Fla., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of senna leaves.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the box and carton labels and in the circular, were false and fraudulent: (Box) "Liver Medicine For \* \* \* Biliousness, Indigestion, \* \* \* and all Diseases of the Liver"; (circular) "Liver Medicine For \* \* \* Biliousness, Indigestion \* \* \* and all Diseases of the Liver \* \* \* Liver Medicine \* \* \* habitual constipation"; (carton) "Liver Medicine For \* \* \* Biliousness, Indigestion."

On April 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20898. Adulteration and misbranding of tincture of aconite. U. S. v. Eleven 4-Ounce Bottles of Tincture of Aconite U. S. P. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29810. Sample no. 21657-A.)**

This action involved an interstate shipment of tincture of aconite which was represented to be of pharmacopoeial standard and which had a potency of less than three tenths of the minimum required by the United States Pharmacopoeia for tincture of aconite.

On February 6, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of eleven 4-ounce bottles of tincture of aconite at Brooklyn, N.Y., alleging that it had been shipped in interstate commerce on or about January 16, 1933, by the Gibson-Howell Co., from Jersey City, N.J., to Brooklyn, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tincture of Aconite U.S.P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the pharmacopoeia, and its own standard was not stated upon the container.

Misbranding was alleged for the reason that the statement on the label, "Tincture of Aconite U.S.P.", was false and misleading.

On March 3, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20899. Adulteration and misbranding of Ergotole. U. S. v. 13 Bottles of Ergotole. Default decree of condemnation and destruction. (F. & D. no. 29806. Sample no. 21649-A.)**

This case involved an interstate shipment of Ergotole, which was represented to be standardized to the same potency as fluidextract of ergot and which, tests disclosed, possessed a potency of about one half of that required by the United States Pharmacopoeia for fluidextract of ergot.

On February 7, 1933, the United States attorney for the District of Connecticut filed in the district court of the United States a libel praying seizure and condemnation of thirteen 1-ounce bottles of Ergotole at New Haven, Conn.,

alleging that the article had been shipped in interstate commerce on or about October 17 and October 19, 1931, by Sharp & Dohme, Inc., from New York, N.Y., to New Haven, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, on circular, "Ergotole is biologically assayed by the Cock's comb Method and standardized to the same potency as the Fluidextract of Ergot."

Misbranding was alleged for the reason that the statement above quoted, appearing in the circular was false and misleading, since the article had a potency of only one half of that required by the United States Pharmacopoeia for fluidextract of ergot.

On March 28, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20900. Misbranding of Marlin mineral crystals. U. S. v. 110 Packages of Marlin Mineral Crystals. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 29701. Sample no. 24141-A.)

Examination of the drug preparation Marlin mineral crystals disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was labeled to convey the misleading impression that the chemicals had been combined in such manner as to give them some extraordinary and mysterious potency.

On January 3, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 110 packages of Marlin mineral crystals at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about November 3, 1932, by the Marlin Mineral Water Co., from Marlin, Tex., to St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium sulphate with a small proportion of sodium chloride and traces of magnesium sulphate and magnesium bicarbonate.

It was alleged in the libel that the article was misbranded in that the statement in the circular, "The chemicals are combined under great heat and pressure which seems to make them much more potent as in the case of radium", was false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the carton and in the circular, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "They are of special benefit for rheumatism, liver, stomach and intestinal troubles"; (circular) "The Health Package \* \* \*

Health \* \* \* It neutralizes abnormal acidity and increases the alkalinity of the blood which must be alkaline for normal health. \* \* \* for bone and teeth repair, for the tonicity of the heart and other muscles, for coagulation of the blood, and for the stability of the nervous system. \* \* \* for the bowels and kidneys. \* \* \* making it better for Bright's disease, high blood pressure, and acid indigestion. \* \* \* for many chronic diseases like rheumatism, \* \* \* liver, stomach, and intestinal troubles. When treating the following ailments \* \* \* Auto-Intoxication. \* \* \* to keep system free of poisons \* \* \* Bad Complexion. \* \* \* continue taking Marlin Crystals each morning until complexion clears. Kidney Trouble. \* \* \* Add or decrease mineral contents according to reaction on kidneys and bowels. \* \* \* [Testimonials] 'After taking one half box of your Marlin Crystals my rheumatism is better than has been for the past ten years.' 'I have taken one box of your Marlin Crystals and have found that they have helped me more than anything. I have had nervous indigestion for years.' \* \* \* 'I am getting wonderful results from the use of Marlin Crystals. I have had kidney trouble for years but am much better now'."

On March 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20901. Misbranding of Warner's Safe diabetes remedy. U. S. v. Warner's Safe Remedies Co. Plea of guilty. Fine, \$50. (F. & D. no. 28051. I. S. 36664.)**

Examination of the drug preparation, Warner's Safe diabetes remedy, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article.

On May 2, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Warner's Safe Remedies Co., a corporation, Rochester, N.Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about December 29, 1930, from the State of New York into the State of Louisiana, of a quantity of Warner's Safe diabetes remedy that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, methyl salicylate, a trace of alkaloids, glycerin, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices appearing on the carton and bottle labels and in the circular, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a remedy for diabetes, and effective as a remedy for diabetes mellitus and diabetes insipidus.

On March 16, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20902. Adulteration and misbranding of fluidextract of ginger. U. S. v. Clarence E. Worthen. Plea of guilty. Fine, \$25. (F. & D. no. 28174. I. S. no. 38927.)**

This case was based on an interstate shipment of a quantity of fluidextract of ginger that was represented to be of pharmacopoeial standard. Examination showed that the article was deficient in material derived from ginger, and contained alcohol in excess of the maximum provided by the United States Pharmacopoeia.

On February 8, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Clarence E. Worthen, a citizen of Malden, Mass., and a trustee in a declaration of trust for the American Proprietary Syndicate, alleging shipment by said defendant, under the name of the American Drug Sales Co., in violation of the Food and Drugs Act, on or about October 22, 1931, from the State of Massachusetts into the State of New Hampshire, of a quantity of fluidextract of ginger that was adulterated and misbranded. The article was labeled in part: (Bottle) "AMPCO Quality Ginger \* \* \* U. S. P. Fluid Extract Not over 90% Alcohol \* \* \* American Proprietary Syndicate \* \* \* Malden, Mass."

It was alleged in the information that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, since it did not yield from 1000 grams of the article the amount of soluble material yielded by 1000 grams of powdered ginger, as prescribed by the pharmacopoeia for fluidextract of ginger; and contained not less than 86.4 percent of alcohol by volume, whereas the pharmacopoeia provided that the product should contain not more than 83 percent by volume of alcohol.

Misbranding was alleged for the reason that the statement, "Ginger U. S. P. Fluid Extract", borne on the bottle label, was false and misleading, since the article was not fluidextract of ginger that conformed to the standard prescribed by the pharmacopoeia. Misbranding was alleged for the further reason that the article contained alcohol, and the label failed to bear a statement of the quantity and proportion of alcohol contained therein.

On May 15, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20903. Misbranding of Nu-Vita yeast. U. S. v. 10 Bags of Nu-Vita Yeast. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29918. Sample no. 35928-A.)**

This action involved an interstate shipment of a product that was represented to be pure yeast, and was found to consist essentially of corn meal with a small proportion of yeast. The label of the article bore unwarranted curative and therapeutic claims.

On March 10, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 10 bags of Nu-Vita yeast at Denver, Colo., consigned by the Miller Products Co. alleging that the article had been shipped in interstate commerce on or about January 23, 1933, from Waterloo, Iowa, to Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The labeling consisted of a shipping tag and a pink and a white card shipped with the article.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mixture of corn meal and a barley product, with approximately 1 percent of yeast.

It was alleged in the libel that the article was misbranded in that the statements, (pink card) "Nu-Vita Yeast is a pure unadulterated bacteria product free of any foreign material or ingredients", (shipping tag) "Nu-Vita Stock Yeast", were false and misleading. Misbranding was alleged for the further reason that the following statement on the white card, regarding the curative and therapeutic effects of the article, were false and fraudulent: "White diarrhea and coccidiosis \* \* \* Necro and Scours. In severe cases of Necro always feed as a slop."

On May 19, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20904. Misbranding of Necro-Cide. U. S. v. Elmer H. Mayes (Baker-Mayes Co.). Plea of guilty. Fine, \$10. (F. & D. no. 28209. Sample no. 2526-A.)**

Examination of the drug preparation Necro-Cide disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the labels of the cans.

On January 18, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Elmer H. Mayes, trading as Baker-Mayes Co., Omaha, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about April 5, 1932, from the State of Nebraska into the State of South Dakota, of a quantity of Necro-Cide that was misbranded. The article was labeled in part: "Necro-Cide \* \* \* For Treatment of Necrotic Enteritis, Flu and Mixed Infection. \* \* \* Manufactured by Baker-Mayes Co. Live Stock Exchange, Omaha, Nebr."

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium bicarbonate, small proportions of ammonium chloride, a sulphate, a thiosulphate, a magnesium compound, phenolic substances including guaiacol and an extract of a laxative plant drug, and water, colored with caramel.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing on the labels of the cans, falsely and fraudulently represented that it was effective as a treatment for necrotic enteritis, flu, and mixed infection.

On February 18, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20905. Adulteration and misbranding of Nestor emulsion of pure cod liver oil. U. S. v. 72 Packages of Nestor Emulsion of Pure Cod Liver Oil. Default decree of destruction. (F. & D. no. 28969. Sample no. 13902-A.)**

This case involved an interstate shipment of a drug preparation that contained less cod-liver oil and less alcohol than declared on the label. The bottle label also bore unwarranted curative and therapeutic claims.



On September 28, 1932, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 72 packages of Nestor emulsion of pure cod liver oil at Louisville, Ky., alleging that the article had been shipped on or about March 4, 1932, by the Nestor Drug & Chemical Co., from Chicago, Ill., to Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The shipping package was labeled in part: "25% Bourbon Whiskey Equal to 12½% Alcohol"; the bottle bore the statement, "Contains 6% Alcohol."

Analysis of a sample of the article by this Department showed that it consisted essentially of an emulsion containing chiefly cod-liver oil (42.7 percent), small proportions of calcium hypophosphite, sodium hypophosphite, phosphoric acid, yolk of egg, (alcohol 3.76 percent), and water, flavored with methyl salicylate.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, "Cod Liver Oil 50% \* \* \* 6% Alcohol."

Misbranding was alleged for the reason that the statement on the shipping carton, "25% Bourbon Whiskey Equal to 12½% Alcohol", and on the bottle label, "This Preparation Contains 6% Alcohol \* \* \* Formula Cod Liver Oil 50%", were false and misleading and deceived purchasers. Misbranding was alleged for the further reason that the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein, since the statements made were incorrect, and for the further reason that the following statements, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle label) "A reliable preparation for many forms of Pulmonary Diseases and other Lung Troubles, Coughs, \* \* \* and General Debility."

On April 11, 1933, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20906. Adulteration and misbranding of codeine sulphate tablets. U. S. v. Sutliff & Case Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 29369. Sample no. 6539-A.)**

This case involved an interstate shipment of drug tablets, each represented to contain one fourth grain of codeine sulphate. Samples taken from the shipment were found to contain approximately one tenth grain of codeine sulphate.

On December 29, 1932, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Sutliff & Case Co., Inc., Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 3, 1932, from the State of Illinois into the State of Iowa, of a quantity of codeine sulphate tablets that were adulterated and misbranded. The article was labeled in part: "Compressed Tablet Triturates \* \* \* Codeine Sulphate ¼ Gr. \* \* \* Sutliff & Case Co. Manufacturing Chemists, Peoria."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain one fourth grain of codeine sulphate, whereas each tablet contained not more than 0.09 grain, i.e., less than one tenth grain of codeine sulphate.

Misbranding was alleged for the reason that the statement on the label, "Tablet Triturates \* \* \* Codeine Sulphate, ¼ gr.", was false and misleading, since the tablets contained less than one fourth of codeine sulphate.

On April 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20907. Adulteration and misbranding of Iodisks. U. S. v. Buffington's, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 29395. I. S. no. 42898.)**

This action was based on an interstate shipment of Iodisks, each of which was represented to contain, among other drugs, three eighths grain of mercuric iodide red. Analysis showed that the article contained less mercuric iodide red than declared. The disks, when dissolved, would not make a solution of the density represented.

On February 8, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Buffington's, Inc., Worcester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 19, 1932, from the State of Massachusetts into the State of Pennsylvania, of a quantity of Iodisks that were adulterated and misbranded. The article was labeled in part: "Iodisks (Germicidal Discs) \* \* \* Mercuric iodide red  $\frac{3}{8}$  gr. \* \* \* One disc dissolved in four ounces of water makes a 1-5000 solution. Buffington's Inc. \* \* \* Worcester, Massachusetts."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each disk was represented to contain three-eighths grain of mercuric iodide red, and one disk dissolved in 4 ounces of water was represented to make a 1:5,000 solution, whereas each disk contained less than three-eighths grain (0.375 grain) of mercuric iodide red, namely, not more than 0.31 grain of mercuric iodide red, and one tablet dissolved in 4 ounces of water made less than a 1:5,000 solution, namely, not more than a 1:5,888 solution.

Misbranding was alleged for the reason that the statements, "Mercuric iodide red  $\frac{3}{8}$  gr. \* \* \* One disc dissolved in four ounces of water makes a 1-5,000 solution", borne on the label, were false and misleading.

On April 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20908. Misbranding of Rival herb tablets. U. S. v. 78 Boxes of Rival Herb Tablets. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 29700. Sample no. 4871-A.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Analysis also showed that the article was not chocolate-coated as claimed.

On January 5, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 78 boxes of Rival herb tablets at Chicago, Ill., alleging that the article had been shipped in interstate commerce November 8, 1932, by the Rival Herb Co., from Detroit, Mich., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that the tablets consisted essentially of extracts of plant drugs including aloe, podophyllum, and capsicum, coated with calcium carbonate and iron oxide.

It was alleged in the libel that the article was misbranded in that the statement appearing on the labels, "Chocolate Coated", was false and misleading, since the article was coated with calcium carbonate and iron oxide. Misbranding was alleged for the further reason that the following statements, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Shipping carton) "For the Stomach, Liver, Kidneys and Bowels"; (retail carton and tin container) "Aids Digestion, Tones Stomach, Stimulates Liver & Kidneys, Regulates Bowels, \* \* \* Nature's Own Medicine. For Stomach, Liver, Kidneys and Bowels. Directions Adult—Take one Tablet every night at Bedtime—if you are very \* \* \* bilious take two Tablets the first night, then one Tablet each night on retiring. \* \* \* If one Tablet moves the bowels too freely take half Tablet—no two systems are just alike: some require larger doses than others. In order to get the best possible results you should regulate the dose to suit your own case: at least one good healthy action of the bowels daily is necessary. Children—Over five years old from one-half to one Tablet each night according to condition of the bowels"; (circular) "Aiding Nature An Important Duty Exercise, fresh, air, good food, pure water and sound slumber, valuable and necessary as they are, cannot restore a disordered system if the gastro-intestinal apparatus—the organs that convert the food into blood and flesh and bone—are clogged and inactive as a result of long years of wrong living. Here is where science comes to Nature's relief and aids her to do her work in a normal manner. Science has delved into the fields of Chemistry, Botany, Pharmacology, Physiology and other branches of human knowledge, and has found agents that have definite effects upon the various organs of the animal body. Some of these



act upon the heart, some on the brain and nervous system, some on the kidneys, the liver, the stomach, the pancreas and other important glandular structures. The effects of these agents upon the several organs have been confirmed and studied thousands of times by experts in the laboratories of the colleges and universities. We know exactly what they do when given to frogs, dogs, cats and finally to the highest type of animal—man. Medical experts, have been alert to all these great discoveries and have applied the knowledge thus acquired to the treatment of acute and chronic disease. Thus, we now have thoroughly tested agents that act upon the diseased liver, that prompt its better action, that remove from the blood certain toxic or poisonous principles and eliminate them from the system through the kidneys and the intestinal tract. Others improve the digestive function and assist Nature to more thoroughly convert the food into tissue-forming substances. Others strengthen the heart and tone up the blood circulation. All these processes fortify the individual's power of resistance to disease and increase his immunity to the action of toxic bodies. If the average man or woman who is not well \* \* \* and will use Nature's own materials, to control and regulate the bodily functions, not only will he be restored to better health but he will not be subject to frequent attacks of biliousness, sick headache, dizziness or vertigo, rheumatism, backache, stiffness of the joints and muscles, deranged secretions, constipation and its attendant ills. To enjoy good health you must keep the sewerage system of the body in good working order. \* \* \* Rival Herb Tablets to act on the bowels and liver. \* \* \* to meet the needs of such cases as we have described in these pages. \* \* \* If you have dyspepsia \* \* \* use Rival Herb Tablets \* \* \* Remember constipation is a vicious habit. It brings on dyspepsia and a host of evils, all of which may be corrected completely by regulating the action of the bowels. The thing to do is to choose a regulator that will not make matters worse, that will not harm you or leave you in a more miserable state than you were before. You have an absolutely reliable, safe, dependable regulator in Rival Herb Tablets. Medical Authorities recognize the causative effect of constipation in producing or predisposing to chronic diseases of the tissues, joints, kidneys, liver, skin and other parts of the body. To keep fit see that the bowels move daily. Watch this important function, and teach your children the same lesson. \* \* \* a simple regulator such as you have in Rival Herb Tablets \* \* \* A spell of sickness can often be headed off or prevented by the timely and intelligent use of Rival Herb Tablets. \* \* \* every sick person \* \* \* its cheap health insurance \* \* \* [testimonials] \* \* \* Stomach Trouble \* \* \* 'I was troubled with my stomach, also headaches \* \* \* now I am feeling fine.' \* \* \* Rheumatism \* \* \* 'My son was troubled with rheumatism \* \* \* Finally he started taking "Rival Herb Tablets" and after taking them for about two weeks the pain disappeared. I would advise anyone suffering from these troubles to give them a trial.' \* \* \* "Rival Herb Tablets." I procured a box and took them regularly. I have gained ten pounds and never felt so well before. \* \* \* Piles—22 Years \* \* \* I suffered terribly from internal piles for twenty-two years. My health was shattered and I was in a fearful state. The pain was so intense at times that it affected my spine and sometimes even ran right up into my brain. I was obliged to syringe with saltpetre as strong as I could dissolve it to relieve the pain. I was nearly crazy and did not know what to do until someone recommended "Rival Herb Tablets" \* \* \* I have only used them for a short time and I am more than satisfied with the results. I find them \* \* \* effective \* \* \* to all those who have the misfortune to suffer.' \* \* \* splendid for dyspepsia and liver trouble.' \* \* \* Rival Herb Tablets \* \* \* form of medication which is \* \* \* rapidly conveyed by the blood stream to the various organs which are influenced by the component ingredients. \* \* \* Nature's own Medicine. Directions Adults—Take one tablet every night at bedtime—if you are very \* \* \* bilious take two Tablets the first night, then one Tablet each night on retiring. \* \* \* In order to get the best possible results you should regulate the dose to suit your own case—at least one good healthy action of the bowels daily is necessary. \* \* \* Children—Over five years old, from one-half to one Tablet each night, according to condition of the bowels. \* \* \* Nature's Own Medicine."

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20909. Misbranding of Life powder and Universal Preservation remedy. U. S. v. 14 Packages of Life Powder and Universal Preservation Remedy. Default decree of condemnation and destruction. (F. & D. no. 29970. Sample no. 31076-A.)**

Examination of the product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 21, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 14 packages of Life powder and Universal Preservation remedy at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 12, 1933, by Clara Boerner, from Paterson, N.J., into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mixture of powdered plant drugs, including senna leaves, licorice root, and fenugreek seeds.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Wrapper label) "Life Powder & Universal Preservation Remedy \* \* \* Take this Powder when suffering from any disease. \* \* \* For Blood purifying nothing better than Dr. A. Boerner's Life Powder. Restorative for the stomach; \* \* \* cleaning bowels, bladder and kidneys. Removes Fever, \* \* \* Chronic constipation and calculous disease. If taken regularly it prolongs life, helps you to keep health and attain old age \* \* \* in severe cases [similar statements in German]."

On May 6, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20910. Misbranding of Dunlop pyorrhea paste. U. S. v. 57 Tubes of Dunlop Pyorrhea Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29586. Sample no. 22430-A.)**

Examination of a sample of Dunlop pyorrhea paste disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On December 3, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 57 tubes of Dunlop pyorrhea paste at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about October 7, 1932, by the Emme Dental Specialty Co., from St. Paul, Minn., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of boric acid, glycerin, alcohol (4.4 percent by weight), and water flavored with peppermint oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Tube and carton) "Pyorrhea Paste \* \* \* For the Treatment of Pyorrhea and Mouth Diseases"; (carton) "Patients' Directions: Dunlop Pyorrhea Paste is not a mere dentifrice. In pyorrhea cases or trenchmouth if the gums are too sore to brush, paste may be applied with the finger, rubbing lightly. Rub with up and down motion, working paste under the gum margin as well as massaging the gums. This paste may be used to great advantage in all cases of infection, applying direct to the wound. Read Carefully Home Directions Inclosed. \* \* \* Tissue Treatment for Pyorrhea and Mouth Diseases"; (circular) "We claim that the use of our preparations by the patient or general public according to directions will give quick relief in all cases of gum and tissue diseases, and will greatly retard, if not entirely stop, the advancement of these infections." Certain representations in the printed circular shipped with the article, which were intended to convince the purchaser of the value of the preparation in the treatment of pyorrhea, also were charged to be false and fraudulent.

On March 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20911. Misbranding of Parkelp. U. S. v. 21 Packages of Parkelp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29933. Sample no. 24583-A.)**

This case involved a quantity of a product, known as Parkelp, and intended for use as a drug, which upon analysis was found to contain materially less of the minerals, iron, calcium, manganese, and copper than declared on the labels. The labeling of the article also bore unwarranted curative and therapeutic claims.

On March 16, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 21 packages of Parkelp at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about February 9, 1933, by Philip R. Park Laboratories, Inc., from Chicago, Ill., to Milwaukee, Wis., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of plant material containing small proportions of compounds of phosphorus, iodine, calcium, magnesium, iron, manganese, copper, sodium, potassium, aluminum, and sulphur.

It was alleged in the libel that the article was misbranded in that the following statements appearing in a circular shipped with the article were false and misleading, since it contained materially smaller amounts of these elements than declared: "Various minerals present in three teaspoonfuls of Parkelp \* \* \* Grains \* \* \* Iron  $\frac{1}{2}$  \* \* \* calcium 2% \* \* \* Manganese  $\frac{1}{120}$  \* \* \* Copper  $\frac{1}{200}$ ." Misbranding was alleged for the further reason that the following statements appearing in the circular and on the carton, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Circular) "Up To Par \* \* \* 'To keep up to Par' is a simple thing, and yet only 5% of the world's population know the meaning of real health and happiness. Medical men are urging us to come to them 'before we are ill.' Preventative medicine and balanced diets are the urge of the age. In order to secure a balanced diet, including all the necessary minerals and vitamins, we must use a system that will supply a food supplement. Our vegetables and fruits, as well as bread and meats, no longer supply sufficient food minerals. Countless Physicians prescribe and administer inorganic Iodine and other inorganic minerals. Nature intended that we have them in our foods in a natural way. The rains of the ages have washed the minerals out of the soils, so that the vegetables and fruits that we now have, are minerally starved. Parkelp Supplies Needed Food Minerals. Lack of food minerals, in the diet, in proper form, have a tendency to result in Obesity, Goitre, Rickets, Nervousness, Anemia, Eczema, low vitality, Asthma, Rheumatism, Neuritis, Arthritis, and many female troubles. \* \* \* The combination of Parkelp minerals in biological tests have given the effects of vitamins A, B, D, E and G. \* \* \* It is practically impossible to include in the daily diet, sufficient food stuffs to supply the Organic Minerals and Vitamins, required by the body"; (carton) "Vigor-building \* \* \* The combination of Parkelp's minerals in biological tests have given the effects of vitamins A, B, D and E."

On May 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20912. Adulteration and misbranding of ether. U. S. v. 128 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29886. Sample no. 35330-A.)**

This case involved a quantity of ether represented to be of pharmacopoeial standard. Samples taken from the article were found to contain peroxide, a product not present in ether that conforms to the requirements of the United States Pharmacopoeia, and nonvolatile matter in excess of the limit prescribed therein.

On February 27, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 128 cans of ether at Chicago, Ill., alleging that the article had been shipped in interstate commerce on February 6, 1933, by the J. T. Baker Chemical Co., from Phillipsburg, N. J., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ether, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement, "Ether, U. S. P.", borne on the label, was false and misleading.

On May 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20913. Adulteration and misbranding of tincture iodine. U. S. v. Witsell Bros. Manufacturing Co. Plea of guilty. Fine, \$50. (F. & D. no. 29358. I. S. no. 52667.)**

This case was based on the interstate shipment of a quantity of tincture of iodine that contained iodine and potassium iodide in excess of the maximum provided by the United States Pharmacopoeia. The label failed to declare the quantity or proportion of alcohol contained in the article.

On May 15, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Witsell Bros. Manufacturing Co., a corporation, Memphis, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 28, 1932, from the State of Tennessee into the State of Arkansas, of a quantity of tincture iodine that was adulterated and misbranded. The article was labeled in part: "Tincture Iodine \* \* \* Witsell Bros. Mfg. Co. Memphis Tenn."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation of the article, since it contained more iodine and more potassium iodide per 100 cubic centimeters than is prescribed by the pharmacopoeia; and its own standard of strength was not stated upon the container.

Misbranding was alleged for the reason that the article contained alcohol, and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On May 19, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a penalty of \$50 in lieu of fine and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20914. Adulteration and misbranding of ethyl borate. U. S. v. 107 Bottles of Ethyl Borate. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29587. Sample no. 22429-A.)**

This case involved a product represented to be ethyl borate. Examination showed that the article was not ethyl borate; that it was not an antiseptic, as claimed; that it contained less alcohol than declared; and that the labels bore unwarranted curative and therapeutic claims.

On December 3, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 107 bottles of ethyl borate at Baltimore, Md., alleging that the article had been shipped in interstate commerce into the State of Maryland, on or about October 7, 1932, by the Emme Dental Specialty Co., from St. Paul, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of boric acid (alcohol 1 percent by volume), and water flavored with oil of peppermint. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, "Antiseptic, \* \* \* Ethyl Borate."

Misbranding was alleged for the reason that the following statements on the labels were false and misleading: (Carton) "Ethyl Borate, Not over 7% Alcohol, a mild but powerful antiseptic"; (bottle) "Ethyl Borate, Not over 7% Alcohol, Ethyl Borate, being a \* \* \* antiseptic mouth wash. As



this is a mild but powerful antiseptic." Misbranding was alleged for the further reason that the article was offered for sale under the name of another article, namely, "Ethyl Borate", and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the statement made was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For the Treatment of Pyorrhea and Pus Diseases \* \* \* exceedingly effective in the treatment of Trench-Mouth, Pyorrhea, Canker Sores and all other Mouth and Gum Diseases. \* \* \* Pyorrhea or Purulent Alveolitis. \* \* \* Bleeding Gums. \* \* \* Spongy Gums. \* \* \* After Extraction. \* \* \* It will keep the gums firm, \* \* \* and keep the tissues of the mouth and throat in a healthy condition. Sore Throat or Tonsillitis. \* \* \* Cuts or Wounds"; (bottle) "For the treatment of Pyorrhea and Pus Diseases \* \* \* highly recommended for daily use in pyorrhea and pus cases. \* \* \* Pyorrhea or Virulent Alveolitis. \* \* \* Bleeding Gums. \* \* \* Spongy Gums. \* \* \* It will keep the gums firm, \* \* \* and keep the tissues of the mouth and throat in a healthy condition. Sore throat or Tonsillitis. \* \* \* Cuts or Wounds."

On March 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20915. Misbranding of Blake's herb tablets. U. S. v. 36 Small Packages, et al., of Blake's Herb Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30025. Sample nos. 31826-A, 31827-A, 31828-A.)**

Examination of the drug preparation Blake's herb tablets disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 30, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 36 small, 36 medium, and 12 large packages of Blake's herb tablets at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 24, 1933, by the International Drug Co., from Boston, Mass., into the State of New York, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that the tablets contained extracts of plant drugs including aloe and capsicum, and a mint oil.

It was found in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Label, small size) "Nature's Herb Cure Tablets \* \* \* Kidney and Liver Regulator \* \* \* For \* \* \* Indigestion Liver Complaint, Muscular Rheumatism, \* \* \* Loss of Appetite, Pimples, Tetter, \* \* \* and the many distressing symptoms arising from attacks of Malaria and Kidney Disorders. A Blood Purifier. \* \* \* to start the bile from the Liver and remove it from the system"; (label, medium and large sizes) "Nature's Herb Cure Tablets \* \* \* Kidney and Liver Stimulator \* \* \* Recommended for \* \* \* Indigestion, Muscular Rheumatism, \* \* \* Liver Complaints, Irregularities of the Bowels, Loss of Appetite, Pimples and Tetter, \* \* \* Diseases arising from Torpidity of the Liver, \* \* \* and the many distressing symptoms arising from attacks of Malaria. \* \* \* to start the bile from the Liver and to remove it from the system."

On May 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20916. Adulteration and misbranding of milk of magnesia. U. S. v. 30 Cases of Milk of Magnesia. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29982. Sample no. 28775-A.)**

This action involved a quantity of milk of magnesia, represented to be of pharmacopoeial standard, that contained a smaller proportion of magnesium hydroxide than prescribed in the United States Pharmacopoeia.

On March 25, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 30 cases of milk of magnesia at Chicago, Ill., alleging that the article had been shipped in interstate commerce, September 23, 1932, by the Schuylkill Chemical Co., from Philadelphia, Pa., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Milk of Magnesia \* \* \* U.S.P. \* \* \* Distributed by Honor Research Laboratories New York-Chicago."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon its label.

Misbranding was alleged for the reason that the statement on the label, "Milk of Magnesia \* \* \* U.S.P.," was false and misleading.

On May 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20917. Misbranding of aspirin tablets. U. S. v. 1,296 Tins of Aspirin Tablets. Consent decree of forfeiture. Product released under bond to be relabeled. (F. & D. no. 29056. Sample no. 9392-A.)**

This action involved an interstate shipment of aspirin tablets, the labeling of which bore unwarranted curative and therapeutic claims. The article would not make an antiseptic gargle as claimed on the carton label.

On October 13, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 1,296 tins of aspirin tablets at Boston, Mass., alleging that the article had been shipped in interstate commerce into the State of Massachusetts on or about September 30, 1932, by the American Pharmaceutical Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Aspirin Tablets A C A. \* \* \* Aspirin Co. of America \* \* \* Sole Distributors American Pharmaceutical Co., Inc., New York, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the carton, "For Antiseptic Gargle", was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "For Toothache \* \* \* Antiseptic Gargle \* \* \* for Rheumatism, Sciatica, Lumbago, Pain"; (leaflet) "For the alleviation of pain. \* \* \* Directions Rheumatism, Lumbago, Sore joints and muscles—\* \* \* Acute Pain from Sciatica, Toothache."

On May 18, 1933, the American Pharmaceutical Co., Inc., Jersey City, N. J. having appeared as claimant for the property, and the court having found that the misbranding charge based on the curative and therapeutic claims on the cartons and leaflets were admitted, judgment of forfeiture was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that the cartons and leaflets be removed and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20918. Adulteration and misbranding of Vi-Te-Ma stock compound and Vi-Te-Ma poultry compound. U. S. v. Ninety-seven 3-Pound Packages of Vi-Te-Ma Stock Compound, et al. Default decrees of condemnation and destruction. (F. & D. nos. 29822, 29829, 29830, 29831, 30060, 30392, 30515, 30516, 30595. Sample nos. 23892-A, 23983-A, 26953-A to 26958-A, incl., 26974-A to 26981-A, incl., 27043-A, 27044-A, 35194-A to 35197-A, incl., 35567-A, 35568-A, 38954-A, 38955-A, 38956-A.)**

These cases involved products sold as stock and poultry conditioners, containing yeast and cod-liver oil, and which, in fact, contained no yeast or cod-liver oil. The articles contained no ingredients which would produce rapid growth and improve the condition of livestock and hogs, promote growth in poultry, pigeons, etc., and increase egg production, all of which were claimed for the articles in the labels. The labels of both products also bore unwarranted curative and therapeutic claims.



On February 17, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of ninety seven 3-pound packages of Vi-Te-Ma stock compound, and forty seven 3-pound packages of Vi-Te-Ma poultry compound at Black Oak, Ark. Between the dates of February 28 and June 14, 1933, libels were filed in the Northern District of Ohio, the Southern District of Ohio, and the Eastern District of Louisiana against various lots of the same products at Tiffin, Fostoria, and Cincinnati, Ohio, and Patterson and Waldheim, La.

The libels alleged that the articles had been shipped in interstate commerce, the shipments covering the period from November 11, 1932 to March 23, 1933; that the portion seized at Waldheim, La., had been shipped from Fostoria, Ohio, by the Vi-Te-Ma Products Co.; that the lot seized at Patterson, La., had been shipped from Fostoria, Ohio, by C. L. Jones; and that the products in all shipments were adulterated and misbranded in violation of the Food and Drugs Act as amended. The records do not show the identity of the shippers in certain cases.

Analyses of samples of the articles by this Department showed that the Vi-Te-Ma stock compound consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, small proportions of sulphur, quassia, and fenugreek seed, and traces of nux vomica and potassium iodide; and Vi-Te-Ma poultry compound consisted essentially of calcium carbonate, magnesium sulphate, iron oxide, small proportions of sulphur, quassia and capsicum, and a trace of potassium iodide. Yeast and cod-liver oil were not present in either article.

The libels charged adulteration of both products since their strength and purity fell below the professed standard and quality under which they were sold, namely: (Stock compound) "Ingredients:—Dry Yeast, Cod Liver Oil"; (poultry compound) "Containing the following ingredients: Yeast, Cod Liver Oil."

The libels further charged that the products were misbranded in that the following statements (or statements substantially the same), appearing in the labelings, were false and misleading: (Stock compound, label) "Highly recommended for growing and fattening live stock, as well as assists in increasing production. \* \* \* Ingredients:—Dry Yeast, Cod Liver Oil, \* \* \* Vi-Te-Ma"; (stock compound, leaflet) "\* \* \* live stock which is taken care of by the use of Vi-Te-Ma and the live stock receives in addition a superior vitamized \* \* \* supplement which assists in causing a rapid growth as well as increased production. \* \* \* The horse \* \* \* should never be allowed to become unthrifty or in a rundown condition. Vi-Te-Ma Stock Compound is a scientific product which largely assists in increasing the appetite, causing a rapid growth, smooth glossy coat, good spirits and staying qualities. \* \* \* When mixing 3 pounds of Vi-Te-Ma Stock Compound with 100 pounds of salt, it makes a balanced ration for sheep \* \* \* It assists in increasing the appetite as well as vitality, thus causing a rapid growth, \* \* \* All dairymen know that success or failure very largely depends upon balanced ration containing the essential vitamins: Yeast and Codliver Oil combined with the necessary minerals in order to make it profitable both in growth and production. \* \* \* The Hog \* \* \* Vi-Te-Ma shows a larger percent of profit in feeding hogs as it assists in promoting growth, earlier development, less food being required"; (poultry compound, label) "Containing the following ingredients: Yeast, Cod Liver Oil, \* \* \* For Production Of Eggs:—\* \* \* highly recommended for poultry of all ages, Chickens, Turkeys, Geese and Ducks, Pigeons, Rabbits, etc. for growth and production. \* \* \* Vi-Te-Ma"; (poultry compound, leaflet) "Vi-Te-Ma Poultry Compound is a highly concentrated product scientifically compounded as well as contains the essential vitamins Yeast and Cod Liver Oil in combination with the necessary minerals." Misbranding was charged for the further reason that certain statements regarding the curative or therapeutic effects of the articles, appearing in the labeling, were false and fraudulent. The false and fraudulent curative and therapeutic claims were as follows: (Stock compound, leaflet) "The most common diseases among sheep are derangement of the stomach, liver and bowels. \* \* \* we highly recommend Vi-Te-Ma Stock Compound for cows and their offspring. It assists in preventing certain diseases as well as many of the ailments to which the over worked cow is subject. The hog \* \* \* Naturally, the more common dis-

eases among hogs are very materially reduced. \* \* \* Healthy Live Stock Pays Bigger Profits"; (coupon) "I hereby agree to use Vi-Te-Ma Compound according to directions printed on package, to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding"; (selling instructions accompanying a portion) "And in fact, keep all of your live stock in a good healthy condition, wouldn't you be interested? In addition to this, we furnish a Veterinary Service or rather agree to pay the veterinary service in case your live stock becomes sick after using this product for a period of thirty days. This is necessary in order to get the system in condition to ward off disease"; (service certificate accompanying portion of stock compound) "The Vi-Te-Ma Products Company, of Tiffin, Ohio, \* \* \* does hereby agree to furnish a Veterinary Surgeon absolutely free when his stock becomes sick from any disease, \* \* \* provided he has used this product continuously and fed according to directions which appear on the package;" (poultry compound) "For Sick Fowls:—Separate the sick fowls from those not already affected and give one tablespoonful daily for every ten fowls."

No appearance or claim was entered in the cases. On May 1, 1933, judgment was entered in the case instituted in the Eastern District of Arkansas ordering that the products be destroyed. Decrees ordering condemnation and destruction of the products were entered in the remaining cases between May 3 and July 19, 1933.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20919. Misbranding of Lanno-Rub. U. S. v. 35 Tubes of Lanno-Rub. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29867. Sample no. 30212-A.)**

Examination of the drug preparation Lanno-Rub disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and tube and in a circular shipped with the article.

On February 20, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 35 tubes of Lanno-Rub at Washington, D. C., alleging that the article was in possession of the Lanno-Rub Chemical Co., Washington, D. C., and was being offered for sale in the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of 7.8 percent of volatile oils such as pine needle oil, eucalyptol, menthol, and camphor, glycerin, ammonium soap, a small proportion of borax, and fats and waxes including lanolin.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Carton) "Use as a General \* \* \* Remedy for all Aches, Pains, Congestions, Inflammations, When Used Freely, We Guarantee Satisfaction"; (tube) "For All Aches, Pains or Congestions. \* \* \* Use for Coughs, \* \* \* Croup, Hay-Fever, Asthma, Catarrh, Rheumatism, \* \* \* Piles \* \* \* All Foot Troubles. \* \* \* and All Ailments of the Skin"; (circular) "Is effective by inhalation and penetration, healing \* \* \* The Glands require the healing oils. \* \* \* is applicable for all congestions, massage freely for coughs, \* \* \* croup, bronchitis, sore-throat, quinsy, asthma, hay-fever, etc. \* \* \* Massage freely for muscular rheumatism and neuritis, for piles use both externally and internally, \* \* \* Massage freely for skin ailments, \* \* \* For Sinus trouble Lanno-Rub Balm has the distinction of Wonderful Efficiency, used externally and internally. Satisfaction guaranteed when used freely."

On April 5, 1933, the Lanno-Rub Chemical Co., Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$50, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20920. Adulteration and misbranding of Pyrodocto. U. S. v. 5 Dozen and 7½ Dozen Packages of Pyrodocto. Consent decree of condemnation and forfeiture. Product released under bond for salvaging bottles. (F. & D. no. 29746. Sample nos. 20975-A, 20976-A.)**

This action involved an interstate shipment of a product, known as Pyrodocto, that was sold as an oral antiseptic. Bacteriological examination showed that the article was not an antiseptic when used as directed on the labeling.

On January 13, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 5 dozen 6-ounce packages and 7½ dozen 16-ounce packages of Pyrodocto at New York, N. Y., alleging that the article had been shipped in interstate commerce, in various shipments, on or about March 3, September 10, and December 8, 1932, by the Pyrodocto Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of saccharin, benzoic acid and volatile oils including menthol, thymol, cassia oil and clove oil, alcohol (18.4 percent by volume), and water. Bacteriological examination showed that the article was not antiseptic when used as directed.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, "Antiseptic."

Misbranding was alleged for the reason that the following statements appearing on the labeling were false and misleading: (Carton) "A Liquid Antiseptic"; (package) "A Liquid Antiseptic \* \* \* As an Antiseptic, the Liquid should be used full strength"; (circular) "Pyrodocto Liquid Antiseptic \* \* \* Pyrodocto Liquid Antiseptic is an effective mouth wash \* \* \* Used as a gargle or spray, \* \* \* The use of Pyrodocto Liquid Antiseptic as a mouth wash \* \* \* is recommended."

On April 3, 1933, the Pyrodocto Co., Baltimore, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that the contents and labels of the bottles be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20921. Adulteration of ether. U. S. v. Eight 5-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29748. Sample no. 26152-A.)**

This case involved an interstate shipment of ether, samples of which were found to contain peroxide, a decomposition product.

On January 11, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of eight 5-pound cans of ether at Portland, Oreg., consigned by the Mallinckrodt Chemical Works, St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 27, 1931, from St. Louis, Mo., to Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ether for Anaesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the label.

On April 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20922. Adulteration of Acme Medicated stock salt. U. S. v. 25 Containers of Stock Salt. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29909. Sample no. 26997-A.)**

This case involved an interstate shipment of stock salt, returned by the consignee, the labels of which declared yeast to be one of the ingredients. Analysis showed that the article contained no appreciable amount of yeast.

On March 7, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 25 packages, containing 25-pound, 50-pound, and 100-pound sacks of Acme Medicated stock salt at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 1, 1932, by the Pennsylvania railroad agent, from East St. Louis, Ill., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The sacks containing the article were labeled in part: "Yeastolized, \* \* \* Yeast. \* \* \* Manufactured by Acme Stock Salt Company Inc. Offices at Tiffin, Ohio. Factories at Fostoria, Ohio-Hutchinson, Kans."

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium chloride (84.8 percent), calcium carbonate, magnesium sulphate, iron sulphate, and small proportions of sodium bicarbonate, sulphur, fenugreek, quassia, nux vomica, and potassium iodide, and an insignificant proportion of yeast.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Yeastolized" and "Yeast."

On April 24, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20923. Adulteration and misbranding of Mentoil. U. S. v. Thirty 3-Ounce Bottles, et al., of Mentoil. Default decree of destruction entered. (F. & D. no. 29055. Sample nos. 13335-A, 13336-A, 13337-A.)**

Examination of the drug preparation Mentoil disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the article also showed that it was not an antiseptic, as claimed.

On October 31, 1932, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of thirty 3-ounce, thirty-nine 1-ounce, and forty-two ½-ounce bottles of Mentoil at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about November 1, 1930, by the Mentoil Co., from Fayetteville, Tenn., to Birmingham, Ala., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of an oil derived from petroleum such as kerosene, containing small proportions of camphor and menthol. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "antiseptic."

Misbranding was alleged for the reason that the following statements appearing on the labels of all bottles, "A real antiseptic for internal and external use \* \* \* Think of Mentoil as a real antiseptic", and the statements appearing in the circular accompanying the 1-ounce and 3-ounce bottles, "A real antiseptic for internal and external use \* \* \* Mentoil is a real antiseptic", were false and misleading. Misbranding was alleged for the further reason that the following statements, regarding the curative and therapeutic effects of the article, were false and fraudulent: (All bottle labels) "For any affection of the skin or mucous membranes. Relieves pain, \* \* \* daily protector against infections of the skin, mouth, nose and throat. \* \* \* Use for coughs, \* \* \* catarrh, neuralgia, \* \* \* sore throat, pneumonia, asthma, hay fever, \* \* \* sore eyes, \* \* \* piles, itch tetter, eczema and colic"; (circular accompanying 1-ounce and 3-ounce bottles) "For any affection of the skin or mucous membranes. Relieves pain, \* \* \* Mentoil is \* \* \* daily protection against infections of the skin, mouth, nose and throat. \* \* \* Sudden changes in temperature, cold, drizzly days, or extremely cold or windy weather, dust or pollen in the air, may bring about that inflamed condition of the mucous membranes of the head, nose or throat, which may spread to a condition where it becomes incurable, and a menace to life. \* \* \* Mentoil will relieve all these conditions, \* \* \* Catarrh \* \* \* Coughs \* \* \* Croup \* \* \* Neuralgia \* \* \* Sore Throat, Tonsilitis \* \* \* Pneu-



monia \* \* \* Asthma, Hay Fever Rub the spine thoroughly with Mentoil and apply in nose as directed for catarrh. Swallow a fourth of a teaspoonful. It will stimulate and clear the breathing. Hemorrhoids or Piles \* \* \* Rheumatism \* \* \* Sore Eyes \* \* \* Itch \* \* \* Tetter, Eczema \* \* \* Cramp Colic \* \* \* Earache \* \* \* Toothache \* \* \* Rub gum with Mentoil, also outside of the face. Sore Feet For tired aching feet, \* \* \* soft corns \* \* \* The directions given for using Mentoil for diseases of mankind will apply equally as well in the treatment of animals. Distemper in animals is an affection of the mucous membranes similar to catarrh. For Roup in Chickens or Fowls Apply to the head and give a few drops internally."

On March 22, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20924. Misbranding of Wood's fever pills. U. S. v. William H. Wood, Jr. Plea of guilty. Fine, \$5. (F. & D. no. 28195. I. S. no. 50636.)**

This case was based on an interstate shipment of Wood's fever pills that were represented to be a remedy for certain ailments for which cinchona derivatives are customarily prescribed, and which contained insufficient cinchona derivatives to cure such ailments when administered according to the directions appearing in the circular: namely, "Two Pills the night before and two Pills the morning of the expected fever day; then one Pill night and morning for one or two days; then one Pill the night before and one the morning of the 7th, 14th and 21st days, counting from the last fever." The labeling of the article also bore further unwarranted curative and therapeutic claims, and failed to bear a statement of the quantity or proportion of acetanilid contained in the article. The article was represented to be a safe, sure, and reliable medicine; whereas it contained drugs that might be harmful, and was not reliable, safe, or sure.

On November 28, 1932, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against William H. Wood, Jr., a member of a firm trading as Dr. Wm. Wood & Sons, Cairo, Ill., alleging shipment by said defendant, on or about September 17, 1931, from the State of Illinois into the State of Tennessee, of a quantity of Wood's fever pills that were misbranded, in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of acetanilid (0.86 grain per pill), cinchonine (0.367 grain per pill), extracts of plant drugs, and sugar.

It was alleged in the information that the article was adulterated in that certain statements, designs, and devices, regarding its therapeutic and curative effects, appearing on the labels of the packages and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for all bilious and malarial diseases; and as a powerful alterative and blood purifier; effective for rousing and toning up all the secretions; effective as a treatment, remedy, and sure for any form of malarial fever, such as bilious fever, fever and ague, dumb ague, intermitting and remitting fever, sick headache and swamp fever; effective for removing an enlarged spleen or ague cake in a very short time; effective to remove worms from children; effective as a treatment and cure for diarrhoea, dysentery, and summer complaint in children; effective as a remedy for kidney derangements, apoplexy, paralysis, insanity, and spinal diseases generally; effective as a female regulator; effective to break up and relieve a sick headache in a short time; effective when the system is debilitated and the blood has lost its rich, rosy hue, to act as a powerful tonic and blood renovator, and to bring back the "Rose that Health used to wear"; effective as a preventive whenever the fever symptoms appear or "you feel indisposed"; effective as a preventive for diseases in sickly seasons or in malarial districts; effective to rouse a torpid liver; effective as a cure for jaundice and to restore lost vitality to the brain worker, the inebriate and the reveler, and as a treatment for the nervous system on the ragged edge of utter prostration; effective as a substitute for the elixir of perpetual youth; effective as a medicine to remove disease through the secretions; effective as a cure for erysipelas, malarial dropsy, dizziness, mental confusion, loss of memory and malarial rheumatism; effective as a preventive for yellow fever, typhoid fever, cholera

and all other zymotic diseases produced by germs or blood ferments; and effective as a treatment, remedy, and cure for chronic diarrhoea.

Misbranding was alleged for the further reason that the statements in the circular, "They are Honest Safe and Sure", I offer you in these pills a safer and cheaper remedy and one far more certain and reliable", and "Safe Reliable and Honest Medicine", were false and misleading, since the article was not honest, safe, and sure; it was not a safe, certain, and reliable remedy; and was not a safe, reliable, and honest medicine. Misbranding was alleged for the further reason that the article contained acetanilid and the label failed to bear a statement of the quantity or proportion of acetanilid contained therein.

On April 10, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20925. Misbranding of Kola Astier Granulated. U. S. v. 99 Bottles, 29 Bottles, and 71 Bottles of Kola Astier Granulated. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29926, 29927. Sample nos. 21682-A, 21684-A, 21694-A.)**

Examination of the drug preparation, Kola Astier Granulated, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 13, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States libels praying seizure and condemnation of 199 bottles of Kola Astier Granulated at Newark, N.J., alleging that the article had been shipped in interstate commerce, in various lots between the dates of February 4 and February 24, 1933, by Gallia Laboratories, Inc., from New York, N.Y., to Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sugar (97.3 percent) and small proportions of plant material including kola.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: "Useful in Nervous Disorders, Anemia, Heart Conditions, Influenza (Grippe), Debility, Brain Fag, Sleeplessness \* \* \* Old Age, Prevention of Colds, \* \* \* Remarkable Vitalizing Properties, \* \* \* 'sustain the stomach \* \* \* are good for liver complaints.' \* \* \* a general restorative tonic, \* \* \* Nervous Disorders \* \* \* for the treatment of nervous disorders. \* \* \* it decreased the waste of nervecell tissue and reduced the loss of the phosphates which enter into the composition of nerve substance. \* \* \* remarkable efficiency \* \* \* in all forms of Neurasthenia. Unlike ordinary sedatives and stimulants, the effects of which are only temporary Kola Astier promotes the formation of healthy nerve substance by arresting the loss of phosphates and stimulating nutrition. When the nervous system shows signs of weakness and you feel unduly downcast, fearful, fretful, irritable or morose, you should take Kola Astier until your nerves have recovered their normal tone and these symptoms disappear. Women will find Kola Astier beneficial in the nervous tremors to which they are subject. Anemia. In anemia, and in that form of anemia called Chlorosis to which so many young girls around the age of puberty are subject, the prevention of the loss of phosphates and excessive waste of tissue is extremely necessary. For that reason Kola Astier is valuable in Anemia. But its usefulness in the treatment of the condition, however, is more particularly due to its power to stimulate the processes of digestion and nutrition. It improves the appetite and the strength of the person suffering from anemia is increased as a consequence of the resulting consumption of more food. Its effect in increasing the patient's resistance to fatigue is extremely valuable in Anemia and Chlorosis, as it renders wholesome exercise possible and this aids recovery. Heart Conditions \* \* \* a powerful heart tonic, \* \* \* regulates the beats. \* \* \* The treatment of any affection of the heart is a matter which should always be left entirely in the hands of the physician. It may well be said here, however, that the effect of Kola Astier on the heart can only be beneficial. The stimulation of the muscular action results in greatly improved circulation, with more perfect nutrition of all the tissues by the food substances carried along in the blood stream, and consequently in greatly increased vitality. Influenza (Grippe)



Influenza or Grippe are most often contracted by those who are in a weakened condition. The system's powers of resistance being then low, it is invaded by microbes which could not gain a footing were the person in a state of robust health. Kola Astier serves to ward off an attack of this disease by stimulating nutrition and thereby endowing the blood with the elements which will enable it to destroy the microbes. In the convalescence stage, the restorative action of Kola Astier is of the greatest value. Debility In the general debility that results from overwork, worry, or wasting diseases, such as malaria, typhoid fever or pneumonia, the use of Kola Astier invariably proves beneficial. In cases of profound weakness which cannot be traced directly to any constitutional disorder, the stimulating and invigorating effects of Kola Astier will promptly bring about improvement. Brain Fag. In the exhaustion which is so often caused by excessive mental strain the use of Kola Astier, because of its specific action on the nervous system which controls the activity of the brain, is always beneficial. Sleeplessness. When the reserve force of the body is low or the mind has been overtaxed, sleeplessness often results. What sleep is obtained is apt to prove unsound and unrefreshing. On account of its restorative effect on the nerves, Kola Astier gives excellent results in such cases. Convalescence In Convalescence from any disease, a tonic should be used to hasten recovery. \* \* \* have attested the value of Kola Astier in shortening the period of convalescence after infectious diseases which, like influenza, leave the patient in a particularly weakened condition. During convalescence after influenza, pneumonia, typhoid and other wasting diseases, there is an everpresent danger of complications and here the use of Kola Astier is particularly advisable because of its action in increasing resistance, and in stimulating the heart. Kola Astier improves the mental as well as the physical condition. Old Age. \* \* \* Kola Astier a most efficient preparation in combating the effects of old age. Old age brings about a general lack of tone or strength in the human machine, in diminution of nutritive activities, a slowing down of the exchanges. The nervous system, the heart, the general circulation, the kidneys, have their functions slowed down. Kola Astier exercises a dynamogenic (power-producing) action on the nervous system. It awakens energy and by that means speeds up the function of the various organs of the body. \* \* \* facilitating the rapid elimination of the poisonous matters which have formed in the system. \* \* \* It hinders the development of uremic poisoning, clears the blood of toxins and waste matter. Kola Astier exercises a tonic \* \* \* effect on the whole organism of the aged, combats fatigue, facilitates walking and exercise, relieves difficult breathing. Prevention of Colds. The best prevention of colds and winter ailments is to keep physically fit. When resistance is lowered as a result of a run-down condition of the system, the body becomes a much easier prey to the disease germs and sickness develops that would be thrown off by a person in robust health. As soon as fatigue appears, that one feels 'low' from whatever cause it may be, recourse should be had to Kola Astier. Its stimulating, invigorating effect will almost at once be felt."

On April 11, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20926. Misbranding of V. S. Stocktone and adulteration and misbranding of V. S. Poultrytone. U. S. v. Eleven 6-Pound Packages of V. S. Stocktone, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 29901, 29962, 29963, 29974, 29975, 30067, 30378, 30446, 30447. Sample nos. 8065-A, 8066-A, 30164-A, 34876-A, 34877-A, 34933-A, 34934-A, 38051-A, 38052-A.)

Examination of the stock and poultry remedies involved in these cases disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. It was also claimed in the labeling of the Poultrytone that the article contained cod-liver oil and would be of value for egg production, whereas it contained no cod-liver oil and was valueless for egg production.

On March 2, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 packages of V. S. Stocktone at Havre de Grace, Md. On March 20, March 21, April 10, May 1, and May 16, 1933, the United States attorney for the Eastern District of Pennsylvania filed libels against 67 packages of V. S. Stocktone and 129 packages of V. S.

Poultrytone, in various lots at Orwigsburg, Boyertown, Avondale, and Media, Pa. It was alleged in the libels that the articles had been shipped in interstate commerce from Fostoria, Ohio, between December 5, 1932 and December 15, 1932; that they were misbranded in violation of the Food and Drugs Act as amended, and that the Poultrytone was also adulterated in violation of said act. It was further alleged in the libels filed against the product at Orwigsburg and Boyertown, Pa., that the article had been shipped by C. L. Jones, Fostoria, Ohio. The remaining libels did not disclose the names of the shippers. The articles were labeled in part: "Stocktone \* \* \* Manufactured and Guaranteed by the Federal Food Company, New York, N. Y."; "Poultrytone \* \* \* The Federal Food Company, New York, N. Y."

Analyses of samples of the articles by this Department showed that the V. S. Stocktone consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, sulphur, phosphates, and small proportions of nux vomica, quassia, fenugreek seed, and American wormseed; and the V. S. Poultrytone consisted essentially of calcium carbonate, magnesium sulphate, sulphur, and small proportions of iron oxide, capsicum, and quassia. Cod-liver oil was not present.

Adulteration of the Poultrytone was alleged in the libels for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, namely: "Ingredients \* \* \* Cod Liver Oil."

Misbranding of the Poultrytone was alleged for the reason that the statements, "Ingredients \* \* \* Cod Liver Oil. \* \* \* For Production of Eggs", were false and misleading; and for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "For Sick Fowls:—Separate the sick fowls from those not already affected and give one tablespoonful daily for every 10 fowls."

Misbranding of the Stocktone was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Carton label of all lots but one) "V. S. Stocktone is not a cure all. It is a remedy specifically for stomach and intestinal worms—the cause of 90% of all the sickness and losses among live stock—especially hogs and sheep. V. S. Stocktone will destroy and expel stomach and intestinal worms. It will do more. It corrects and aids digestion, tones the system, puts the stomach in condition to assimilate the food better; enables the animals to derive more good from what you feed; creates a better appetite; regulates the bowels so that, in a short time, a healthy vigorous animal is the result. \* \* \* give them free access to V. S. Stocktone. They Will Doctor Themselves"; (statements contained in a coupon accompanying the remaining lot and also included in the labeling of certain of the other lots in addition to the carton label above quoted) "I hereby agree to use V. S. Stocktone according to directions printed on package to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding."

On April 19 and May 31, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered in the cases instituted in the Eastern District of Pennsylvania, and the court ordered that the products be destroyed by the United States marshal. On July 12, 1933, the product seized in the District of Maryland was also ordered condemned and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20927. Misbranding of Nervotol. U. S. v. 118 Bottles of Nervotol. Default decree of condemnation and destruction.** (F. & D. no. 29891. Sample no. 20294-A.)

Examination of the drug preparation Nervotol disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article.

On March 10, 1933, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 bottles of Nervotol at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce, on or about October 4, 1932, by the Brunswick Drug Co., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Nervotol \* \* \* Manufactured for Vitono Medicine Co., Los Angeles, California."



Analysis of a sample of the article by this Department showed that it consisted essentially of compounds of calcium, sodium, potassium, hypophosphites, small proportions of iron and manganese compounds and quinine, sugar, alcohol (13.3 percent by volume), and water.

It was alleged in the libel that the article was misbranded in that statements appearing in the labeling (carton, bottle label, and circular) contained false and fraudulent statements regarding its usefulness as a treatment for "nerves, lack of pep, tired feeling, memory lag, difficult concentration, anemia, under nourishment, brainfag, mental and physical exhaustion, lost vitality, affected or weakened sex glands, loss in weight, catarrhal conditions of the stomach or digestive tract, female disorders, anemic girls entering puberty, delayed, painful or profuse menstruation, symptoms associated with change of life in women, mineral deficiency in expectant mothers, defective bone, teeth, and blood formation in the growing child, rickets, cretinism, wrinkled, scaly, yellow skin, watery eyes, rundown systems resulting from coughs, colds, bronchial affections and general debility, pulmonary affection, severe constipation, insomnia, prostration, stomach pains, 'TB', ulcers of the stomach, and tonsilitis." Similar claims were made in the Spanish language.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20928. Misbranding of Novolek. U. S. v. 21 Bottles of Novolek. Default decree of condemnation and destruction.** (F. & D. no. 29997. Sample no. 24594-A.)

Examination of the drug preparation Novolek disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the bottle and carton labels and in the circulars shipped with the article.

On March 28, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bottles of Novolek at Milwaukee, Wis., alleging that the article had been shipped on or about June 6, 1932, by Health Research Laboratories, from Detroit, Mich., into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including a laxative drug, sodium bicarbonate, small proportions of calcium and magnesium compounds, alcohol, glycerin, sugar, and water, flavored with peppermint oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle label) "A Scientific Treatment For Aiding the Digestive Organs and to Help Eliminate the Causes of Chronic Constipation, Catarrh of the Stomach and Intestines. \* \* \* Indigestion, Kidney and Liver Trouble, Rheumatism, Colitis, Piles, Chronic Headaches, Impure and Weak Blood, Body Poisons, Pimples, and Loss of Appetite. \* \* \* Health"; (carton label) "A Scientific Treatment For Aiding the Digestive Organs and to Help Eliminate the Causes of Chronic Constipation, Catarrh of the Stomach and Intestines. \* \* \* Indigestion, Kidney and Liver Trouble, Rheumatism, Colitis, Piles, Chronic Headaches, Impure and Weak Blood, Body Poisons, Pimples, and Loss of Appetite. \* \* \* Stimulates the Digestive Secretions of the Stomach, Regulates the Liver and Kidneys, Purifies the Blood, \* \* \* Helps to Build the Body. \* \* \* Health \* \* \* Beneficially Affects the Stomach, Thereby Producing an Excellent Effect Upon the General State of Health. \* \* \* Tones the Stomach and Stimulates the Digestive Secretions of the Stomach. It Regulates the Bowels"; (circular) "The stomach medicine \* \* \* Tones the stomach and stimulates the digestive secretions of the stomach. It regulates the bowels \* \* \* A Scientific Treatment For Aiding the Digestive Organs to Correct Improper Functions and Chronic Constipation, Catarrh of the Stomach and Intestines, \* \* \* Indigestion, Kidney and Liver Trouble, Chronic Appendicitis, Rheumatism, Colitis, Piles, Chronic Headaches, Restless Sleep, Nervousness, Impure and Weak Blood, Body Poisons and Skin Eruption Such as Pimples. Loss of Appetite and Weight. \* \* \* To Obtain Best Results, Follow These Directions: \* \* \* a scientifically compounded medicine that has great merits; and to justify you in buying this

wonderful preparation in time of ailment. But, Novolek is not a cure all. \* \* \* stomach disorders \* \* \* Novolek merits as a valuable aid for those ailments we specify, and no others. If your ailment is within the category of ailments that Novolek is intended for, then use it according to directions as specified below. Don't expect to be relieved of your ailment, by only taking two or three doses of Novolek and then leaving the bottle standing on the shelf to be forgotten. Remember, your ailment may be of long standing, and no medicine can perform miracle from two or three doses. It is very important that Novolek should be taken regularly, \* \* \* Chronic Constipation: \* \* \* In average cases one or two are required for complete relief. Catarrh of the Stomach and Intestines: Adults— \* \* \* In average cases three to five bottles are required for complete relief. \* \* \* (Gastritis): Adults— \* \* \* In average cases two or three bottles are required for complete relief. Appendicitis and Piles: Adults— \* \* \* In average cases four to six bottles are required for complete relief. Kidney and Liver Trouble: Adults— \* \* \* In average cases one to three bottles are required for complete relief. Impure Blood (Pimples): Adults— \* \* \* In average cases two to six bottles are required for complete relief. Children—5 years and older—teaspoonful after meals. Loss of Appetite or Weight: \* \* \* In average cases one to three bottles are required for complete relief. \* \* \* Novolek is highly recommended for children, that need building up. \* \* \* Health \* \* \* [similar statements in a foreign language].”

On May 15, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20929. Misbranding of Gliperol. U. S. v. Anselmi Hnos., Inc., and F. L. Anselmi. Plea of guilty. Fine, \$5 and costs. (F. & D. no. 27560. I. S. no. 38406.)**

Examination of the drug product Gliperol disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On September 13, 1932, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Anselmi Hnos., Inc., a corporation, and F. L. Anselmi, Ponce, P. R., alleging that on or about February 18, 1930, the defendants had offered for sale and sold in the Territory of Puerto Rico, a quantity of Gliperol that was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ammonium chloride, calcium, sodium and potassium hypophosphites, small proportions of menthol and extracts of plant drugs including wild cherry, traces of chloroform and terpene, alcohol, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the curative and therapeutic effects of the article, appearing in the circular, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, hoarseness, bronchitis, catarrh, dry or fluid, recent or chronic; and effective to successfully combat the broncho-pulmonary affections and to restore the organism.

On September 13, 1932, a plea of guilty to the information was entered and the court imposed a fine of \$5 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20930. Misbranding of Gin-ga-sol. U. S. v. 20 Bottles and 24 Bottles of Gin-ga-sol. Default decrees of condemnation and destruction. (F. & D. no. 29613. Sample no. 6504-A.)**

Examination of the drug preparation Gin-ga-sol disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label and in a circular shipped with the article.

On December 21, 1932, and January 13, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 44 bottles of Gin-ga-sol at Lincoln, Nebr., alleging that the article had been shipped in interstate commerce, on or about January 26, 1931, by the Gingasol



Laboratories, Inc., from Winner, S.Dak., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of potassium chlorate and potassium chloride, a trace of a substance yielding free chlorine, alcohol (2.1 percent by volume), glycerin, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "For the Gums \* \* \* A treatment and preventive for Ulcerated, Sore and Bleeding Gums, Trench Mouth, Gingivitis, Pyorrhea"; (circular) "For Trench Mouth, Ulcerated, Sore and Bleeding Gums, Gingivitis and Pyorrhea. Trench Mouth (Vincent's Infection) Trench Mouth is a contagious oral infection, which of late has attracted considerable attention due to the alarming increase in the number of cases. Trench Mouth should be controlled in its early stages due to the rapid sloughing of the tissues involved. Gingasol being a powerful, non-irritating antiseptic, destroys the causative organism (Bacillus Fusiformis) on contact. Because of its high penetrating power Gingasol readily reaches the organisms at the seat of infection. No instrumentation should be done at first or any attempt made to remove the characteristic grey slough. Instruct patient to rinse mouth thoroughly three times a day with undiluted Gingasol, causing it to pass through the interproximal spaces where the infection usually begins. After the infection has been eliminated, Gingasol should be used at least once a day to prevent recurrence. Gingivitis Due to the ability of Gingasol to destroy other infective organisms it should be recommended immediately in Gingivitis and all acute gum infections. After the inflammation has subsided the teeth should be thoroughly scaled, and by using Gingasol regularly the gums will remain in a firm and healthy condition. In the Treatment of Pyorrhea Pyorrhea is perhaps the most common of all gum diseases. However, it responds readily to treatment in its earlier stages. Special attention should be given to prophylaxis and the scaling of the teeth. After all the tartar has been removed and all other sources of irritation, such as badly fitting fillings, crowns and bridges corrected, Gingasol should then be used to destroy the infective organisms. \* \* \* Gingasol \* \* \* will help maintain \* \* \* healthy mouth. Remember the life of the teeth is dependent upon the health of the gums. Insure them by using Gingasol daily."

On May 9, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20931. Misbranding of Parmint. U. S. v. 72 Bottles of Parmint. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29977. Sample no. 7866-A.)**

Examination of the drug preparation Parmint disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On or about April 6, 1933, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 bottles of Parmint, alleging that the article had been shipped on or about September 30, 1932, by the Wylie B. Jones Advertising Agency, New York, N. Y., through Gabriel J. Fajardo, from New York, N. Y., to San Juan, P. R.; that it was being sold and offered for sale in Puerto Rico by Serra, Garabis & Co., Inc., San Juan, P. R., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "'Parmint' \* \* \* Parmint Inc. Binghamton, N. Y."

Analysis of a sample of the article by this Department showed that it consisted essentially of iron and ammonium salts including citrate and chloride, extracts of plant drugs including ginger, flavoring material including peppermint oil and methyl salicylate, a gum, alcohol, and water, sweetened with saccharin.

It was alleged in the libel that the article was misbranded in that the circular accompanying the package contained false and fraudulent statements regarding its curative and therapeutic effects in the treatment of catarrh, diseases due to catarrh, catarrhal deafness, defective hearing, complete deafness, noise in the head due to catarrh, catarrh of the lungs, stomach, and intestines, loss of smell due to catarrh, cough, excess phlegm in the throat, bad breath.

torpid stomach, mental depression, acute and chronic bronchitis, slight or total deafness, inflammation of the opening of the Eustachian tubes, lessened vitality, inflammatory irritation and ulceration of mucous membranes, decadence of sight and hearing, pains over the eyes and forehead, mental torpidity, germ disease of the nose, throat, lungs, stomach and blood, poisoned blood, contaminated blood, disease of all parts of the system, dyspepsia, indigestion, torpid stomach, pain, nausea, and heart troubles.

On May 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20932. Misbranding of Mother's Joy salve. U. S. v. 526 Small and 7 Large Packages of Mother's Joy Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30095. Sample nos. 31652-A, 31653-A.)**

Examination of the drug preparation Mother's Joy salve disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 13, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 526 small and 7 large packages of Mother's Joy salve at Newburgh, N.Y., alleging that the article had been shipped on or about March 4, 1930, by the Rice Chemical Co., from Greensboro, N.C., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mother's Joy Salve \* \* \* Manufactured by Goose Grease Company Greensboro, N.C."

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils, including eucalyptol, camphor and methyl salicylate, kerosene, and a small proportion of fatty oil incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Carton, small size) "An efficient remedy for relief of Croup, Coughs, \* \* \* and Chest Colds, Catarrh, Asthma, Influenza, Pneumonia, Sore Throat, Whooping Cough \* \* \* Eczema, Bronchitis"; (jar, small size) "Pneumonia Rub one-half jar or more on chest and throat and apply warm flannel saturated with salve. Apply hot iron to flannel rubbing gently. Apply also between shoulders, under arm pits, and to seat of pain. Repeat every two hours until relieved. Coughs \* \* \* Rub the salve over chest and throat. In severe cases cover chest with warm flannel saturated with salve. Repeat every two hours until relieved. Coughs, Sore Throat, Bronchitis and La Grippe Apply the salve over chest and throat. Swallow a small quantity. In severe cases follow directions for Pneumonia. Catarrh and Hay Fever Snuff a small quantity of the salve up the nostrils morning and night, or oftener if required. In severe cases heat a spoonful of salve and spray with atomizer. Whooping Cough and Asthma Apply salve over spinal column from neck to hips. Rub over throat and chest. Swallow a small quantity. Repeat until relieved. Inflammations For Skin eruptions"; (carton containing one dozen small size) "Indicated in the theory of Administering Medicine by Absorption. In Treatment of Coughs, \* \* \* and forms of Croup, Pneumonia, Hay Fever, Bronchitis, and Catarrh of Head. Will be found beneficial for Piles"; (carton, large size) "Directions For Croup \* \* \* For Pneumonia \* \* \* Expectant mothers, for that bearing down feeling, \* \* \* the lower part of the abdomen with Mother's Joy Salve fifteen minutes both night and morning. Indicated in the theory of administering medicine by absorption. In Treatment of Coughs, \* \* \* and forms of Croup. Pneumonia, Hay Fever, Bronchitis and Catarrh of Head. Will be found beneficial for Piles"; (jar, large size) "Indicated in the theory of administering medicine by absorption, in the treatment of Coughs, \* \* \* and certain forms of Croup, Pneumonia, Bronchitis, Hay Fever and Catarrh of head. Directions For Croup \* \* \* For Pneumonia \* \* \* Directions For \* \* \* Catarrh, Asthma, Hay Fever and Bronchitis. Insert Mother's Joy Salve in the nose every night and morning. If you find asthma coming on, swallow about a half-teaspoonful. For a Cough apply as above"; (circular, large size) "For Croup, \* \* \* For Pneumonia \* \* \* An Effective External Remedy for Croup, Cold Troubles



and Pneumonia Symptoms \* \* \* Modern Treatment for \* \* \* Croup and Pneumonia \* \* \* Congestion yields readily to the application of Mother's Joy Salve. It not only strikes immediately into the congested spots on the lungs or other parts of the body, giving relief, but it is absorbed into the blood and thus through the circulation strikes at soreness, inflammation and congestion. Its effect is much like that of antitoxin, though without the pain and irritation of antitoxin application. Instead it is easing and soothing, and frequently induces comfortable sleep even to those seriously ill with pneumonia. The warmth of the body in connection with Mother's Joy Salve creates a highly pungent and pleasant odor which is inhaled, thus starting immediate action through the lungs, opening up the head cavities, clearing the air passages and calming tense nerves. This soothing medication is harmless and painless, even to the youngest baby. Its double action, direct through the pores, and indirect through the circulation, is remarkably effective against inflammation and congestion. Treat Symptoms Without Delay. From what at first appears to be simple cold, some of the most serious diseases develop, such as croup, asthma, influenza, coughs, bronchitis, pleurisy, la-grippe, catarrh, whooping cough, pneumonia and tuberculosis. So that to avoid running any risk it is advisable to war on even the simplest cold in its incipency. Mother's Joy is an effective remedy for breaking up a cold at the start \* \* \* affected surfaces of the body \* \* \* instructions for the treatment of each specific disease. \* \* \* you will get the same kind of results \* \* \* healing properties. Mother's Joy Salve is Guaranteed to Give the Results Claimed, If Used as Directed. \* \* \* Directions For Using Mother's Joy Salve For Pneumonia Symptoms— \* \* \* Immediately commence treatment with Mother's Joy Salve. \* \* \* The parts to be treated are the chest, lower part of the throat, abdomen, the sides from the arm pits to the short ribs, and the back between the short ribs. Apply Mother's Joy Salve with hand and rub in well over parts until skin turns red from reaction. Then spread salve on thick and cover with heavy flannel that has been heated. Before renewing treatment go over parts with hot wet cloth and then rub dry. \* \* \* Then apply as before. In severe cases apply every six hours until relieved. Put half teaspoonful in the patient's mouth, allow it to melt, and then have the patient swallow. This often relieves soreness of throat and cough in a few minutes. In the treatment outlined \* \* \* Croup \* \* \* Rub Mother's Joy Salve freely over chest and throat until difficult breathing is relieved. \* \* \* The Salve quickly penetrates to the affected parts and clears the congestion in the air passages and aids in preventing the chronic head and chest cold. Coughs, Bronchitis, Pleurisy and La Grippe—Apply Mother's Joy Salve freely over chest and throat. \* \* \* In severe cases follow the directions given for pneumonia symptoms. For La Grippe also use \* \* \* to kill the grip germs that attack the small intestines. Influenza—Make a thick paste of Mother's Joy Salve and spread over chest and throat freely. \* \* \* Catarrh— \* \* \* In Severe cases of catarrh \* \* \* Whooping Cough, Asthma—Apply Mother's Joy Salve well over the spinal column from neck to hips. This relieves nervous tension. Next rub freely over throat and chest, and in the case of asthma, over the eyes also. \* \* \* This treatment should be repeated until whooping cough or asthma is relieved. Surface Inflammations—Mother's Joy Salve is splendid for the treatment of skin inflammations. \* \* \* for best results. \* \* \* muscular rheumatism are greatly relieved by its application. \* \* \* 'My boy had Pneumonia, \* \* \* Used jar of Mother's Joy Salve on throat and chest, in an hour's time his temperature was normal.' \* \* \* 'I have used Mother's Joy for Catarrh of the head with great relief. I recommend its use to any one suffering with catarrh.' \* \* \* For the Sake of Humanity \* \* \* 'on a sleeper my little girl took a severe cold and cough. For three weeks the doctors came to see her three times a day. Instead of getting better she grew worse. On the night of which I am speaking the doctors left me some emergency medicine and told me if the cough didn't stop to give her this. \* \* \* We had used other croup salves \* \* \* My wife advised me to get a jar of Mother's Joy. I did so, using half a jar on the child's throat and chest, and in fifteen minutes she stopped coughing and did not cough another time during the night. \* \* \* think that you have the best Croup and Pneumonia Salve made.' \* \* \* 'I contracted a severe cold which I believe would have developed into pneumonia, had I not used your Mother's Joy

freely. I can cheerfully recommend Goose Grease to any one suffering with \* \* \* or threatened with pneumonia.”

On May 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20933. Misbranding of Nervo Forza. U. S. v. 28 Bottles of Nervo Forza. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29948. Sample no. 7862-A.)**

Examination of the drug preparation, Nervo Forza, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article. It also contained more alcohol than declared on the label.

On March 25, 1933, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 bottles of Nervo Forza at San Juan, P.R., alleging that the article had been shipped on or about February 2, 1933, by Hector A. Pietri, from New York, N.Y., to San Juan, P.R., that it was being offered for sale and sold by Serra, Garabis & Co., San Juan, P.R., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: “Nervo Forza \* \* \* Prepared only in the laboratories of the International Pharmacal Co., New York, U.S.A.”

Analysis of a sample of the article by this Department showed that it consisted essentially of compounds of calcium and sodium, phosphates, extracts of plant drugs including nux-vomica, sugar, alcohol (10.6 percent by volume), and water.

It was alleged in the libel that the article was misbranded in that the statement on the label, “Alcohol 5%”, was false and misleading, since analysis showed a considerably greater alcohol content. Misbranding was alleged for the reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration made was incorrect. That the bottle and carton labels and an accompanying booklet contained false and fraudulent statements regarding its usefulness as a powerful reconstituent of the brain and excellent regulator of the blood, and as a food for the brain in the treatment of anemia and general debility; cerebral anemia, anemia in general, uncinariasis, that it was effective in the treatment of nervous debility, neurasthenia, melancholy, impotency and all such diseases due to impoverishment of the blood and nervous troubles, in the treatment of mental and physical exhaustion of women due to menstrual disorders and during the convalescence of parturition; effective in the treatment of nervous prostration, loss of memory, insomnia, inapetance (inappetence), melancholy and all such diseases due to impoverishment of the blood and nervous troubles, sexual debility, chlorosis, spermatorrhea, dysmenorrhea, all such diseases that depend on the blood and nerves; effective as a stimulant of the nerves and organic nutrient of the nervous cells; as a reconstituent for those persons who use their minds excessively; effective in the treatment of weak persons and convalescents from paludism; effective to strengthen the tissues, to exalt the nutrition of the nerves and cerebral centers, to increase the “calcic” and “azoated” changes, to prevent dismineralization, to stimulate the defensive processes of the organism and to combat malnutrition; effective as a stimulant to the muscular functions; effective to regularize the circulation, to “activate” the gastro-intestinal functions, to effect diuresis, to defend the system against diathesis, to give the blood the necessary elements to resist infectious anemia, to give surprising strength and extraordinary activity to the muscles, to furnish phosphorous to the nerves, to strengthen and stimulate weakened cardiac muscles, to produce easy and abundant gastro-intestinal secretions and at the same time to tonify the muscular fibers of the digestive tract; and effective as a eutrophic nutrient, and to normalize the general condition of the system rapidly.

On May 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20934. Adulteration and misbranding of Enzel. U. S. v. Elbert L. Hambright (The Spoon Laboratories, Inc.). Plea of guilty. Case ordered dismissed. (F. & D. no. 28163. I. S. no. 44572.)**

This case was based on an interstate shipment of a drug preparation, known as Enzel, that was represented to be an oral antiseptic and treatment for certain diseased conditions of the mouth. Examination disclosed that it was not an antiseptic, and that it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On March 10, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elbert L. Hambright, Denver, Colo., alleging shipment by said defendant, under the name of the Spoon Laboratories, Inc., in violation of the Food and Drugs Act as amended, on or about September 26, 1931, from the State of Colorado into the State of Kansas, of a quantity of Enzel that was adulterated and misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of zinc chloride, magnesium sulphate, sodium sulphate, potassium chlorate, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be antiseptic, whereas it was not antiseptic.

Misbranding was alleged for the reason that the statement "Antiseptic", borne on the label, was false and misleading. Misbranding was alleged for the further reason that certain statements, designs, and devices appearing on the bottle labels falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for pyorrhea and trench mouth, pyorrhea and trench mouth infections, sore, tender, and ulcerated gums, and loose teeth.

On May 22, 1933, the defendant entered a plea of guilty to the information, and after a discussion of the case which disclosed that the product had not been manufactured or shipped for about a year and a half, the court ordered the case dismissed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20935. Alleged adulteration and misbranding of sodium salicylate tablets. U. S. v. Irwin, Neisler & Co. Plea of not guilty. Heard by the court on statements of counsel. Judgment of not guilty. (F. & D. no. 29392. I. S. no. 53967.)**

On February 3, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Irwin, Neisler & Co., a corporation, Decatur, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 25, 1932, from the State of Illinois into the State of Iowa, of a quantity of sodium salicylate tablets. The article was labeled in part: "1000 Tablets Sodium Salicylate 5 grains Irwin, Neisler & Co. Manufacturing Pharmacists Decatur, Illinois."

The information alleged that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each tablet was represented to contain 5 grains of sodium salicylate, whereas each tablet contained not more than 4.379 grains of sodium salicylate.

The information further alleged that the article was misbranded in that the statement on the label, "Tablets Sodium Salicylate 5 Grains", was false and misleading.

The defendant company appeared through a representative and entered a plea of not guilty and waived a jury trial. On June 7, 1933, the case having been heard by the court on statements of counsel, the defendant was found not guilty.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20936. Misbranding of Cheney's red clover flowers and Dr. Gardner's Kidneyaid. U. S. v. G. S. Cheney Co., Inc. Plea of nolo contendere. Fine, \$50. (F. & L. no. 28177. I. S. no. 48075. Sample no. 9118-A.)**

Examination of the drug products on which this case was based disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 18, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. S. Cheney Co., Inc., Boston, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 28, 1932, from the State of Massachusetts into the State of Rhode Island, of a quantity of Cheney's red-clover flowers, and on or about February 28, 1932, from the State of Massachusetts into the State of Maine, of a quantity of Dr. Gardner's Kidneyaid that were misbranded.

Analyses of samples of the articles by this Department showed that Dr. Gardner's Kidneyaid consisted essentially of pipsissewa leaves, althea root, sassafras bark, and triticum; and that Cheney's red clover flowers consisted essentially of red clover flower (*Trifolium pratense*).

The information alleged misbranding of the red-clover flowers in that certain statements appearing on the package, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a thorough blood purifier and as the best medicine to use as a key to health and long life; effective as a treatment, remedy, and cure for rheumatism, swollen or stiff joints and neuritis, no matter how old the sufferer or how long standing the case; and effective as a treatment for cancers, cancerous conditions of the blood, scrofulous humor, pimples, and blood diseases, rheumatism and uric acid poisoning. The information alleged misbranding of Dr. Gardner's Kidneyaid in that certain statements on the packages falsely and fraudulently represented that it was effective as a kidney aid, and as a relief and cure for kidney, liver and bladder troubles; effective as a cure for Bright's disease, acute and chronic kidney, liver, bladder and urinary disorders; and effective as a thorough blood purifier.

On May 8, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20937. Misbranding of Ferrac and Exto-Rac.** U. S. v. 1,440 Bottles of Ferrac and 60 Bottles of Exto-Rac. Default decrees of condemnation, forfeiture and destruction. (F. & D. nos. 27216, 27217. I. S. nos. 21222, 21223. S. no. 5382.)

Examination of the drug products Ferrac and Exto-Rac involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the Exto-Rac also showed that it was not antiseptic, when used as a douche as directed in the labeling.

On or about November 23, 1931, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,440 bottles of Ferrac and 60 bottles of Exto-Rac at Atlanta, Ga., alleging that the articles had been shipped in interstate commerce, the former on or about October 5, 1931, and the latter on or about October 9, 1931, by the Greenville Products Co., from Greenville, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that each of them consisted essentially of the sulphates of iron, aluminum, calcium, magnesium, sodium and potassium, and water.

It was alleged in the libel that Ferrac was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the circular shipped with the article, were false and fraudulent:

"Ferrac What It Is Red Blooded Men The expression, 'a red blooded man', is founded solidly on scientific fact, for scientific research in many laboratories has bit by bit revealed some fascinating and important ways in which the human body converts iron into energy, vigor and endurance. Iron is a part of the solid material of the red corpuscles and since nearly 200 years ago when scientists learned that iron is a necessary part of the blood, physicians have prescribed it as a builder of health and vigor. But it is essential that we get our iron from the right chemical compound. The body seems to prefer to take its iron as the metal leaves a compound in which it has been locked away, or while it is still in the nascent or new-born state. The mineral salts of iron have been found much better for yielding the nascent material desired for the body than the organic compounds put up by plants, because the mineral compounds are more easily broken down, and the iron, therefore, more easily taken by the body. Sulphate of iron as found in Ferrac is such a mineral salt, and when taken into the stomach, supplies the iron necessary



to make the blood a vigorous red, but it goes deeper and performs a most important function that organic iron will not perform. Blood is made in the marrow of the bones, and iron sulphate, as contained in Ferrac, goes straight into the delicate blood-making organs in their stout bones cases and stimulates their activity, thereby bringing the blood supply to a vigorous normal in quantity as well as a virile red in quality. There is still another function performed by iron in the blood, if taken in the form found in Ferrac, so that the body can readily use it. The blood flows from the veins into the hair-like capillaries, and finally, the individual corpuscles leave the capillaries and move separately and individually, through the tissues to every individual one of the countless millions of microscopic cells that make up the body. Like Tiny Workmen Like tiny workmen trundling wheelbarrows of building supplies for the ceaseless work of remaking the body, unloading the new materials at the point of use and bringing back for elimination the dead material of worn-out cells, the red corpuscles carry the food materials that have been prepared for body building by the digestive process. But the building materials unloaded by the little wheelbarrow workmen are still dead matter, and something must transform them into the living material for the body. It is not sufficient to put the new material into place, as new brick and mortar may be built into an old wall. It must be literally raised from the dead! It must be Made A Part Of The Living Body; Must Undergo A Transformation So Great, Yet So Subtle And Mysterious, That No Laboratory Researches Have Ever Seemed to Approach Within Hailing Distance Of The Explanation And Far Less Of Duplication. Just what causes the transformation we do not know, but it has been shown that it cannot take place without the presence on the spot of iron. Therefore, it does not sound unreasonable to say that the inert iron, taken by the body from an equally inert mineral salt, as sulphate of iron in Ferrac, touches the building material with a magic wand and causes it to spring into life. When the blood is a rich, warm red and in correct quantity, and the food material prepared by the chemistry of the body and carried by the corpuscles to the cells, is swiftly and completely transformed into living flesh to replace the wornout cells, then life flows in full tide through all the body and the world seems good. Muscles, Nerves, Glands. Calcium is a highly important item in Ferrac and performs many vital functions of the body. It is the principal ingredient of the bones and plays an important part in regulating the action of the muscles, nerves and glands. Rickets is a disease affecting children, but disorders of muscles, nerves and glands occur at all ages. The scientific name for transformation of food material into living tissues is metabolism, and rickets, therefore, is generally the result of faulty metabolism in the bones of growing children. But it may also be the fault of the food that contains too little calcium. The trouble, once it has developed, cannot be eliminated by increasing the supply of calcium, but it can be prevented by supplying sufficient calcium during the growing years, and then seeing that all conditions are right for the fullest metabolism of the calcium supply. We have seen how mineral iron salts promote metabolism in all parts of the body, bones included, and in Ferrac calcium and iron go hand in hand. The functions of the glands are extremely complicated, but we know they control many of the vital functions, and its ability to direct their action makes calcium as contained in Ferrac a highly important element in an immense and complicated array of functions, among them being ailments of the intestines."

Misbranding of the Exto-Rac was alleged for the reason that the following statements appearing on the label and in the circular, were false and misleading, when applied to an article that was not antiseptic when used as directed for a douche: "Antiseptic \* \* \* Exto-Rac is a dependable antiseptic \* \* \* and is especially recommended for the following conditions: \* \* \* As A Douche \* \* \* in the strength of two tablespoonsful to a quart of water." Misbranding of the said Exto-Rac was alleged for the further reason that the following statements appearing on the bottle label and in the circular, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Circular) "For Eczema In both moist and dry eczema bathe off the scales with warm water, dry gently and apply Exto-Rac full strength on cotton. \* \* \* Exto-Rac will be found most beneficial in cases of \* \* \* itching or bleeding piles"; (bottle) "For Eczema, Sores."

On June 17, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20938. Adulteration and misbranding of powdered extract of belladonna leaves. U. S. v. Burrough Bros. Manufacturing Co. Plea of guilty. Fine, \$50. (F. & D. no. 29400. I. S. no. 10617-A.)**

This case was based on an interstate shipment of powdered extract of belladonna leaves which were labeled as conforming with the United States Pharmacopoeia, and which, upon analysis, was found to yield a smaller proportion of the alkaloids of belladonna leaves than the pharmacopoeial product.

On March 27, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Burrough Bros. Manufacturing Co., a corporation trading at Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 4 and March 22, 1932, from the State of Maryland into the State of New York, of a quantity of powdered extract of belladonna leaves that was adulterated and misbranded. The article was labeled in part: "Burrough \* \* \* Powdered Extract Belladonna Leaves U.S.P.X (Atropa Belladonna) \* \* \* Containing not less than 1.18% nor more than 1.32% of Alkaloids of Belladonna Leaves."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation of the article, since it yielded not more than 1.07 percent of the alkaloids of belladonna leaves, whereas the pharmacopoeia provided that extract of belladonna leaves should yield not less than 1.18 percent of the alkaloids of belladonna leaves, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be powdered extract of belladonna leaves which conformed to the pharmacopoeia, tenth revision, and which contained not less than 1.18 percent of the alkaloids of belladonna leaves, whereas it was not as represented, since it contained not more than 1.07 percent of the alkaloids of belladonna leaves.

Misbranding was alleged for the reason that the statements, "Powdered Extract Belladonna Leaves U.S.P.X \* \* \* Containing not less than 1.18% nor more than 1.32% of Alkaloids of Belladonna Leaves", were false and misleading.

On March 28, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20939. Adulteration and misbranding of fluidextract of burdock. U. S. v. 1 Gallon of Fluidextract Burdock N.F. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28995. Sample no. 7751-A.)**

This case involved a product represented to be fluidextract of burdock conforming to the requirements of the National Formulary. Analysis showed that it consisted of an entirely different product, which contained a large proportion of a mydriatic drug.

On October 10, 1932, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 gallon of fluidextract of burdock at Atlanta, Ga., alleging that the article had been shipped in interstate commerce, on or about June 12, 1932, by the Standard Pharmaceutical Corporation, from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fluidextract Burdock N.F. Alcohol \* \* \* Each mil. represents one gramme or each fluid ounce 456 grs. Burdock Root \* \* \* Standard Pharmaceutical Corp., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that it was sold under the name, "Fluidextract Burdock N. F." (synonymous with a name recognized in the National Formulary, "fluidextract of lappa"), and differed from the official standard of strength, quality, and purity. Adulteration was alleged for the further reason that the strength of the article fell below the professed standard or quality under which it was sold.

Misbranding was alleged for the reason that the statements on the label, "Fluidextract Burdock N. F. \* \* \* each mil. represents one gramme or each fluid ounce 456 grs. Burdock Root", were false and misleading.



Analysis of a sample of the article by this Department showed that it consisted essentially of potassium iodide (2.96 grams per 100 milliliters), extracts of plant drugs including a laxative plant drug, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the carton and bottle labels and an accompanying booklet contained false and fraudulent statements regarding its usefulness in the treatment of cancer, including cancer of the lip, nose, face, eye, forehead, cheek, chin, eyebrow, ear, neck, tongue, shoulder, breast, womb, and knee, scrofulous affections, erysipelas, St. Anthony's fire, *tinea capitis*, scald head, milk crust, salt rheum, ringworm, tetter, tumors, ulcers, boils, pustules, blotches, pimples, catarrh, laryngitis, bronchitis, dyspepsia, piles, fistula, diseases peculiar to the glandular and assimilative systems, scrofula and kindred diseases, abscesses, all blood diseases, sores, fever sores, goiter, eruptions, malignant condition or growth, rheumatism, eczema, cancerous tumor, chronic ulcer, running sore, ulcers in throat, asthma, catarrh of stomach, enlarged glands, tuberculosis of the bone, sore eyes, blindness, carbuncles, ovarian tumor, consumption, cramping of limbs, milk leg, varicose veins, lameness of the back, and swelled neck.

On October 27, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20944. Misbranding of Radium Cone No. 3. U. S. v. 19 Packages of Radium Cone. Default decree of condemnation and destruction. (F. & D. no. 29996. Sample no. 17316-A.)**

Examination of the product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circulars shipped with the article.

On or about April 3, 1933, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 packages of Radium Cone at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce, on or about January 30, 1933, by Mrs. C. Thomas, from Long Beach, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Radium Cone \* \* \* Radium Cone Company Long Beach, California."

Analysis of a sample of the article by this Department showed that it consisted of a brick containing radium. In 1 gallon of water in 18 hours it yielded 32.6 millimicrocuries of radon.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing in the circulars, were false and fraudulent: (Small circular) "You Ask What to Do to Relieve Constipation Attempt to relieve the bowels each morning, at a regular time. Drink two glasses or More of water from the Radium Cone as soon as you get up in the morning. You may heat the water if you wish. Drink it during the day and not less than two glasses or more just before retiring; not less than 9 glasses a day of 24 hours. Chew food well, eat at regular intervals and eat slowly. Walking or bending exercises are fine; massage stomach and bowels before arising in the morning. Always have all the fresh air you possibly can in your sleeping room. Eat raw cabbage slaw, onions, garlic, carrots; lettuce, celery, spinach, peaches, apples, all kinds of berries, figs, plums, rhubarb, cream corn, cottage and roquefort cheese, honey and molasses, stale bread well toasted or whole wheat bread, bran. No pastry or pie crust. Avoid all dishes or meat that is fried. Follow the above directions for 30 days, drinking two or three quarts of water, or more, from the Radium Cone each day, or if you prefer, keep the constipation. It is directly the cause of all sickness and premature death. If you must take something use mineral oil with big glasses of radio-active water from the Cone, or Castor Oil, orange juice and enough Radium water to fill a glass. Nature will soon correct your trouble. The strictest diet and best water in the world from the Radium Cone may not correct all cases in 30 days. A 30-day trial is only to try and convince obstinate cases that it is Nature's way of eliminating all waste matter and dead cells by overcoming the cause. Ninety per cent of the cases will respond favorably, unless some very bad derangement is present. Sixty or ninety days of this above treatment will overcome most all chronic cases. \* \* \* better health to more people"; (large circular) "Directions for Use of Radium Cone Emanator Place Radium Cone in 1, 2, 3, or 4-gallon water receptacle; fill with any water; allow to stand 12 hours before using,

then fill water container every night. This insures a supply for the next day. Do not empty out any remaining water, just replenish with enough to fill container each evening. Drink at least one or two glasses before breakfast; drink freely during the day and two or more glasses before retiring at night. Never drink less than eight to twelve glasses a day. \* \* \* If you think you can look at the Radium Cone and get well, it's your hard luck. You should drink the water Revitalized by the Radium Cone which is Nature's best remedy for all complaints. \* \* \* The Radium Cone revitalizes any water and renders it equal to the average health spring water, when consumed at the springs. You have only one life to live. You may have children and possibly grand children. The Radium Cone positively insures them better health and longer life. Please keep these directions in your library for your descendants to read. They will recognize the value of Radio-active water. If you have not used it long enough to appreciate its value, your children will wonder why you did not follow the above directions. Your digestion, assimilation, elimination of poisons, and circulation of the blood depend upon the quantity of good water used to irrigate your body, regardless of any other fluids you consume. If you are using this Cone Health Water to correct some complaint, then the greatest quantity you drink the first 30 days the more readily will be your recovery. You can not drink too much. If you are taking medicine the water will assist the treatment and soon you will discontinue all medicine. In severe stomach, bowel and rheumatism troubles the reaction is a good indication that nature is correcting the complaint; continue to drink freely. After 30 days, if you use according to these directions, you will be glad to recommend the radium cone to the sick and to those who wish to retain their good health."

On April 24, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20945. Misbranding of P. C. ointment. U. S. v. 51 Tubes of P. C. Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30102. Sample no. 30969-A.)**

Examination of the drug product P. C. ointment disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton label, and in a circular and leaflet shipped with the article.

On April 19, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 tubes of P. C. ointment at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about October 5, 1931, by the Pacific Coast Proctological Clinic, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of zinc oxide, and volatile oils including menthol, camphor, and tar oil, incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "For Hemorrhoids (Piles) \* \* \* Uroctological Clinic \* \* \* For Hemorrhoids (Piles) \* \* \* bleeding, blind or protruding; \* \* \* Rectal Ulcers and all rectal disorders; \* \* \* Prostatitis, Boils, Carbuncles, Ulcers, \* \* \* etc. P. C. Proctological"; (green circular) "The Soothing Remedy For Rectal Disorders. \* \* \* all rectal disorders \* \* \* in the treatment of Proctological cases. \* \* \* Hemorrhoidal cases. \* \* \* Thousands have been relieved by P C Ointment, although this product has never been placed on sale for general public distribution. Due to the several so-called 'pile cures' which flood the market, the directors of the clinic have been reluctant to give P C Ointment public distribution. For under no circumstances do they wish P C Ointment to be classed with ordinary rectal preparations. However, P C Ointment has been recently placed on the market, as a result of the urging of hundreds of happy, enthusiastic, cured patients who convinced the directors that it was their duty to put this preparation where those thousands of individuals who are suffering from rectal disorders \* \* \* might procure the ointment and gain relief from their afflictions. \* \* \* Hemorrhoids (Piles): \* \* \* in cases of blind and bleeding piles. \* \* \* affected



parts \* \* \* Rectal Ulcers— \* \* \* Itching Piles: \* \* \* Other Rectal Diseases: \* \* \* healing \* \* \* commends its use in the various forms of rectal troubles. Boils, Carbuncles, Ulcers (other than rectal) \* \* \* Prostatitis (Inflammation of the Prostate Gland): In the treatment of males for Hemorrhoids it is frequently found that the prostate gland, which lies nearby, is involved. In most instances, when the rectal inflammation recedes, there is a corresponding relief in the distended prostate. We urge all prostatic sufferers to avail themselves of this anti-inflammatory astringent, regardless of whether it is associated with or independent of Hemorrhoids. \* \* \* Quick, Dependable Relief From Pain, \* \* \* In Hemorrhoids (Piles) and various Rectal Troubles. Also alleviates suffering, arrests inflammation and promotes recovery in Boils, Carbuncles and Ulcers, \* \* \* numerous skin affections. \* \* \* effective in reducing inflammation, it has been employed with excellent results in prostatitis—inflammation of the prostate gland. \* \* \* Proctological [similar statements in foreign languages]"; (pink leaflet) "Proctological Clinic \* \* \* Do you have protusions? \* \* \* Do you have bleeding at bowel movement time? Is it bright red or mixed with mucous? Do you have pain; if so, when: at time of bowel movement? before? after \* \* \* Do you have a discharge?"

On May 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20946. Adulteration and misbranding of Blaud's mass tablets. U. S. v. 80,000 Tablets Blaud's Mass. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30111. Sample no. 31840-A.)**

This action involved an interstate shipment of Blaud's mass tablets that were labeled to create the impression that they were the equivalent of Blaud's pills, a product recognized in the United States Pharmacopoeia. Analysis showed that the tablets contained a smaller amount of ferrous carbonate than required by the pharmacopoeia for Blaud's pills.

On April 20, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80,000 Blaud's mass tablets at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 28, 1932, by Shores-Mueller Co., from Cedar Rapids, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was contained partly in an open drum, and partly in bottles, all of the tablets having been originally contained in the drum, which was labeled in part: "Tablets Blands Mass C. C. Oval, 5 Grains."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "Tablets \* \* \* Blands Mass \* \* \* 5 Grains."

Misbranding was alleged for the reason that the statement, "Tablets \* \* \* Blands Mass \* \* \* 5 Grains", was false and misleading.

On May 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20947. Misbranding of Standard Egg a Day. U. S. v. Eight 5-Pound Boxes, et al., of Standard Egg a Day. Default decrees of destruction. (F. & D. nos. 30061, 30062, 30562, 30677. Sample nos. 22038-A, 22121-A, 22237-A, 22255-A.)**

Examination of the drug preparation Standard Egg a Day disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article. Moreover, the product would not increase egg production as claimed in the labeling.

On April 10, April 12, June 6, and June 28, 1933, the United States attorneys for the District of Minnesota and the Northern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of six 1-pound packages, ten 2½-pound packages, thirty-four 5-pound packages, seventeen 12-pound packages, six 25-pound pails, and one 50-pound sack of Standard Egg a Day, in various lots at Westbrook and Sleepy Eye, Minn., and Sioux City and

Mason City, Iowa. It was alleged in the libels that the article had been shipped in interstate commerce, between September 5, 1932 and November 3, 1932, by the Standard Chemical Manufacturing Co., from Omaha, Nebr., into the States of Minnesota and Iowa, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, calcium phosphate, sodium chloride, sodium hyposulphite, iron sulphate, and small proportions of plant material.

The libels alleged that the article was misbranded in that the following statements in the labeling were false and misleading: (Carton) "Egg a Day How to Buy Egg a Day"; (portion of cartons) "Makes more eggs"; (circular) "Egg a Day You bought this package of Egg a Day because you want to get more eggs. The egg is the chief end of poultry production and the number of eggs a hen produces marks the difference between loss and profit. We want you to get the best results from the use of Egg a Day. We want your hens to make a profit for you. To get the most eggs you must follow these directions We guarantee you will get more eggs if you follow these directions, but we cannot guarantee anything definite unless they are followed exactly. Give one heaping tablespoonful of Egg a Day once a day to 25 hens. Add the Egg a Day to the dry mash, gruel or moistened feed. A good dry mash is listed below. \* \* \* Use Egg a Day According to Directions and You Will Get Results." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the circular, were false and fraudulent: "Egg a Day for growing chickens. Standard Egg a Day develops strong, healthy chickens and is especially recommended for them. \* \* \* When full grown use two pounds to 100 pounds of feed. You will have fewer losses, better poultry, and the pullets will lay more eggs. They will also go through the moult better \* \* \* You will accordingly see that nearly every hen has larger egg laying possibilities than are usually realized upon, consequently you will be interested in knowing how the ordinary hen may be stimulated to greater egg laying activity. The use of Egg a Day together with a careful following of the directions for care and feeding, which are found on the other side of this sheet, is the answer. \* \* \* Under the stimulus of Egg a Day the initial cells from which the yolks are formed begin to grow. \* \* \* The other necessary elements are supplied by Egg a Day in just the proper proportions for maximum egg production. \* \* \* Egg a Day stimulates and quickens the digestive processes, making possible a greater degree of assimilation. This means more eggs on less feed."

On June 3, June 9, August 31, and November 24, 1933, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20948. Misbranding of Nofal. U. S. v. 48 Bottles of Nofal. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29968. Sample no. 2259-A.)**

Examination of the drug preparation Nofal disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label. The alcohol declaration was not properly made, since it was placed inconspicuously on the back label.

On March 27, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 bottles of Nofal at Denver, Colo., consigned by the Lifol Co., Tulsa, Okla., alleging that the article had been shipped in interstate commerce, on or about August 3, 1932, from Tulsa, Okla., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of coal tar creosote, rosin soap, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle label, were false and fraudulent: "Where There's Life There's Hope. Nofal A scientific preparation for building healthy tissue and destroying wasted tissue. Heals Eczema, Tetter, \* \* \* Pyorrhea, and all forms of irritation. \* \* \* Guaranteed—Will Grow Hair Stops Falling Hair Now! \* \* \* Moisten scalp of diseased surface \* \* \* For bleeding



parts \* \* \* Rectal Ulcers— \* \* \* Itching Piles: \* \* \* Other Rectal Diseases: \* \* \* healing \* \* \* commends its use in the various forms of rectal troubles. Boils, Carbuncles, Ulcers (other than rectal) \* \* \* Prostatitis (Inflammation of the Prostate Gland): In the treatment of males for Hemorrhoids it is frequently found that the prostate gland, which lies nearby, is involved. In most instances, when the rectal inflammation recedes, there is a corresponding relief in the distended prostate. We urge all prostatic sufferers to avail themselves of this anti-inflammatory astringent, regardless of whether it is associated with or independent of Hemorrhoids. \* \* \* Quick, Dependable Relief From Pain, \* \* \* In Hemorrhoids (Piles) and various Rectal Troubles. Also alleviates suffering, arrests inflammation and promotes recovery in Boils, Carbuncles and Ulcers, \* \* \* numerous skin affections. \* \* \* effective in reducing inflammation, it has been employed with excellent results in prostatitis—inflammation of the prostate gland. \* \* \* Proctological [similar statements in foreign languages]"; (pink leaflet) "Proctological Clinic \* \* \* Do you have protusions? \* \* \* Do you have bleeding at bowel movement time? Is it bright red or mixed with mucous? Do you have pain; if so, when: at time of bowel movement? before? after \* \* \* Do you have a discharge?"

On May 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20946. Adulteration and misbranding of Bland's mass tablets. U. S. v. 80,000 Tablets Bland's Mass. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30111. Sample no. 31840-A.)**

This action involved an interstate shipment of Bland's mass tablets that were labeled to create the impression that they were the equivalent of Bland's pills, a product recognized in the United States Pharmacopoeia. Analysis showed that the tablets contained a smaller amount of ferrous carbonate than required by the pharmacopoeia for Bland's pills.

On April 20, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80,000 Bland's mass tablets at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 28, 1932, by Shores-Mueller Co., from Cedar Rapids, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was contained partly in an open drum, and partly in bottles, all of the tablets having been originally contained in the drum, which was labeled in part: "Tablets Blands Mass C. C. Oval, 5 Grains."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "Tablets \* \* \* Blands Mass \* \* \* 5 Grains."

Misbranding was alleged for the reason that the statement, "Tablets \* \* \* Blands Mass \* \* \* 5 Grains", was false and misleading.

On May 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20947. Misbranding of Standard Egg a Day. U. S. v. Eight 5-Pound Boxes, et al., of Standard Egg a Day. Default decrees of destruction. (F. & D. nos. 30061, 30062, 30562, 30677. Sample nos. 22038-A, 22121-A, 22237-A, 22255-A.)**

Examination of the drug preparation Standard Egg a Day disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article. Moreover, the product would not increase egg production as claimed in the labeling.

On April 10, April 12, June 6, and June 28, 1933, the United States attorneys for the District of Minnesota and the Northern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of six 1-pound packages, ten 2½-pound packages, thirty-four 5-pound packages, seventeen 12-pound packages, six 25-pound pails, and one 50-pound sack of Standard Egg a Day, in various lots at Westbrook and Sleepy Eye, Minn., and Sioux City and

Mason City, Iowa. It was alleged in the libels that the article had been shipped in interstate commerce, between September 5, 1932 and November 3, 1932, by the Standard Chemical Manufacturing Co., from Omaha, Nebr., into the States of Minnesota and Iowa, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, calcium phosphate, sodium chloride, sodium hyposulphite, iron sulphate, and small proportions of plant material.

The libels alleged that the article was misbranded in that the following statements in the labeling were false and misleading: (Carton) "Egg a Day How to Buy Egg a Day"; (portion of cartons) "Makes more eggs"; (circular) "Egg a Day You bought this package of Egg a Day because you want to get more eggs. The egg is the chief end of poultry production and the number of eggs a hen produces marks the difference between loss and profit. We want you to get the best results from the use of Egg a Day. We want your hens to make a profit for you. To get the most eggs you must follow these directions We guarantee you will get more eggs if you follow these directions, but we cannot guarantee anything definite unless they are followed exactly. Give one heaping tablespoonful of Egg a Day once a day to 25 hens. Add the Egg a Day to the dry mash, gruel or moistened feed. A good dry mash is listed below. \* \* \* Use Egg a Day According to Directions and You Will Get Results." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the circular, were false and fraudulent: "Egg a Day for growing chickens. Standard Egg a Day develops strong, healthy chickens and is especially recommended for them. \* \* \* When full grown use two pounds to 100 pounds of feed. You will have fewer losses, better poultry, and the pullets will lay more eggs. They will also go through the moult better \* \* \* You will accordingly see that nearly every hen has larger egg laying possibilities than are usually realized upon, consequently you will be interested in knowing how the ordinary hen may be stimulated to greater egg laying activity. The use of Egg a Day together with a careful following of the directions for care and feeding, which are found on the other side of this sheet, is the answer. \* \* \* Under the stimulus of Egg a Day the initial cells from which the yolks are formed begin to grow. \* \* \* The other necessary elements are supplied by Egg a Day in just the proper proportions for maximum egg production. \* \* \* Egg a Day stimulates and quickens the digestive processes, making possible a greater degree of assimilation. This means more eggs on less feed."

On June 3, June 9, August 31, and November 24, 1933, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20948. Misbranding of Nofal. U. S. v. 48 Bottles of Nofal. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 29968. Sample no. 2259-A.)

Examination of the drug preparation Nofal disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label. The alcohol declaration was not properly made, since it was placed inconspicuously on the back label.

On March 27, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 bottles of Nofal at Denver, Colo., consigned by the Lifol Co., Tulsa, Okla., alleging that the article had been shipped in interstate commerce, on or about August 3, 1932, from Tulsa, Okla., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of coal tar creosote, rosin soap, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the bottle label, were false and fraudulent: "Where There's Life There's Hope. Nofal A scientific preparation for building healthy tissue and destroying wasted tissue. Heals Eczema, Tetter, \* \* \* Pyorrhea, and all forms of irritation. \* \* \* Guaranteed—Will Grow Hair Stops Falling Hair Now! \* \* \* Moisten scalp of diseased surface \* \* \* For bleeding



gums, moisten tooth brush with Nofal (instead of water) using any good tooth paste. Apply 2 or 3 times a day." Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article, since the declaration appeared inconspicuously upon the back label.

On May 31, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20949. Misbranding of Dr. Simmons' silver and mercury. U. S. v. 9 Bottles of Dr. Simmons' Silver and Mercury. Default decree of condemnation and destruction.** (F. & D. no. 28818. Sample no. 13692-A.)

Examination of the drug preparation, Dr. Simmons' silver and mercury, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and in circulars shipped with the article.

On September 29, 1932, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 bottles of the said Dr. Simmons' silver and mercury at Mesa, Ariz., alleging that the article had been shipped in interstate commerce on or about June 30, 1932, by the S. M. Laboratories, Inc., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The curative and therapeutic claims were borne on a carton and were contained in three different leaflets or pamphlets, one or more of which accompanied each package.

Analysis of a sample of the article by this Department showed that it consisted essentially of water containing colloidal silver and mercury, stabilized by a protein.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "'SM' is \* \* \* used for the treatment of certain diseases of the genito-urinary tract. \* \* \* deeply penetrating"; (green leaflet entitled "To the Public") "Richard H. Simmons, M. D., Diseases of The Genito-Urinary Tract. To the Public: I have found in practice and hope to benefit the entire populace with my findings, a treatment for the relief of pain, irritation, etc., culminating in purulent discharges. The treatment of purulent discharges is indeed simple if the correct preparation is administered. Beyond all doubt, I have found a preparation of exceptional merit that is so positive in results that I recommend it not only to the patient, but also to the physician. With care, the patient will obtain remarkable results by self-administration. There is no possible chance of injury to the urethra or prostate gland as caused by many preparations self-administered. By treatment in your own privacy, you alone are aware of your misfortune. \* \* \* truly a discovery of note in *Materia Medica*, and as such, warrants utmost confidence. We sincerely believe that with full cooperation in following the directions carefully, you will obtain better results than through the use of any other form of treatment. \* \* \* Directions for the use of 'SM' Liquid. First, urinate before using 'SM', and not for an hour after injection of 'SM.' \* \* \* These injections are to be made three or four times daily, Not oftener. Do Not dilute 'SM.' Use full strength. Third, use in same way for a week to ten days after discharge ceases. During this period it is advisable to gently massage while medicine is being held in canal. \* \* \* In order to get the results you expect, you must assist nature, which you can do by observing the following instructions. \* \* \* For the Protection of Humanity. A preponderance of the ills to which the inhabitants of this earth are heir, are the result of lack of knowledge, the old adage, 'An ounce of prevention is worth a pound of cure,' still holds good. Various 'SM' Products have been conceived to fill a very definite need. For recommended purposes, comparative clinical laboratory tests and observation cases indicate they have no equal"; (yellow leaflet entitled, "Directions 'SM' Prophylactic") "Should you neglect to properly safeguard yourself and become infected, use 'SM' Liquid immediately. With each bottle, complete directions—how to avoid complications and achieve desired results. \* \* \* 'SM' Liquid—For the Treatment of Purulent Discharges"; (pamphlet) "A Reprint of a Confidential Bulletin to the Medical Profession." The portion of this pamphlet which refers to 'SM' (first 14½ pages) was false and fraudulent almost in its

entirety since it offered the product as a treatment for "Gonococous and Mixed Gonococous Infections."

On October 24, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20950. Misbranding of Santal Midy. U. S. v. 69 Packages, et al., of Santal Midy. Default decrees of forfeiture and destruction.** (F. & D. nos. 27664, 27818, 27902. I. S. nos. 38997, 39085, 48036, 48037. Sample nos. 5686, 5906, 5923.)

Examination of the drug preparation Santal Midy disclosed that it contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circulars shipped with the article.

On January 15, March 8, and March 11, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States libels praying seizure and condemnation of 183 bottles of Santal Midy at Boston, Mass., alleging that the article had been shipped in interstate commerce, in part on or about December 7, 1931, January 27, January 30, and February 26, 1932, by E. Fougera & Co., Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Santal Midy \* \* \* Laboratoire De Pharmacologie, Inc. New York \* \* \* Distributors E. Fougera, & Co. Inc. New York."

Analysis of a sample of the article by this Department showed that it consisted essentially of santal oil in gelatin capsules.

It was alleged in the libels that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the circular, were false and fraudulent: (Circular) "To sufferers from Bladder and Kidney Irritations. \* \* \* recent or chronic irritations of the mucous membranes of the bladder and the kidney passages. \* \* \* a disinfectant \* \* \* on mucous membranes, especially on those of the sensitive bladder and kidney passages. \* \* \* Therapeutic uses \* \* \* in the treatment of certain forms of chronic inflammation or Catarrh of the bladder, the kidneys and their passages or outlets. \* \* \* cystitis, sore or irritable bladder, manifested by urgency, frequent or painful micturition in the daytime, straining or burning pain from the bladder, often followed by a scalding, smarting or highly colored, sometimes turbid, muddy or even milky looking bladder fluid, at times even with a foul ammoniacal odor. \* \* \* incontinence or tiresome getting up at night due to lack of control, which symptom is found so prevalent among many elderly people \* \* \* persistent pains or discomforts in the small of the back along the kidney region \* \* \* take Santal Midy regularly \* \* \* to help nature do its work of allaying the inflammation and rebuilding the damage. \* \* \* sore mucous membranes, \* \* \* acting internally as a \* \* \* disinfectant \* \* \* to the broken down, inflamed membranes. \* \* \* In case these capsules might cause a slight gastric disturbance \* \* \* as they are otherwise harmless. \* \* \* Directions Repeated and continued taking of these capsules is essential for early relief and soothing action upon the inflamed mucous membranes, during the process of elimination. For recent cases of bladder or kidney inflammation, take one capsule every hour with water as indicated, until 10 to 12 have been taken during the day. Later on reduce the quantities taken as required. For chronic cases where the symptoms have largely subsided, take one capsule every three hours, until 5 to 6 have been taken during the day [similar statements in foreign languages]."

On January 26, 1932, the Laboratoire De Pharmacologie, Inc., New York, N.Y., filed a claim and an answer to the libel filed January 15, against 69 packages of the product, denying the misbranding charge and praying dismissal of the libel. The claimant, however, failed to appear and defend the action. No appearance was entered in the remaining cases. On March 6, 1933, decrees were entered ordering that the product be forfeited and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



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# United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

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## NOTICES OF JUDGMENT UNDER THE FOODS AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

20951-21000

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 23, 1934]

### 20951. Adulteration of canned salmon. U. S. v. 96 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29950. Sample no. 23033-A.)

This case involved an interstate shipment of canned salmon that was found to be in part decomposed.

On March 16, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cases of canned salmon at Oakland, Calif., alleging that the article had been shipped in interstate commerce, on or about September 9, 1932, by Libby, McNeill & Libby, from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Libby's Fancy Red Alaska Salmon Libby McNeill and Libby, Chicago."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 14, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

### 20952. Adulteration of dried grapes. U. S. v. Bonner Packing Co. Plea of guilty. Fine, \$100. (F. & D. no. 29463. I. S. no. 32507.)

This case was based on an interstate shipment of dried grapes that were found to be in part insect-infested, moldy, and dirty.

On March 16, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bonner Packing Co., a corporation, Fresno, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 26, 1932, from the State of California into the State of Washington, of a quantity of dried grapes that were adulterated. The article was labeled in part: "Bonner's Dried Alicante Grapes Packed by Bonner Packing Co., Fresno, Cal."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On April 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

### 29053. Misbranding of canned black raspberries. U. S. v. 13 Cases of Canned Black Raspberries. Default decree of condemnation and forfeiture. Product ordered delivered to charitable organizations. (F. & D. no. 29951. Sample no. 29837-A.)

This case involved an interstate shipment of canned black raspberries, sample cans of which were found to contain less than 6½ pounds, the weight declared on the label.

On March 16, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the dis-



strict court a libel praying seizure and condemnation of 13 cases of canned black raspberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about January 24, 1933, by the Pacific Northwest Canning Co., from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Famous Puyallup Brand Solid Pack Black Raspberries Net Weight Six Lbs. Eight Ozs. Packed by Pacific Northwest Canning Co., Puyallup, Washington."

It was alleged in the libel that the article was misbranded in the statements on the label, "Solid Pack \* \* \* Net Weight Six Lbs. Eight Ozs.", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The court having found that the product, although misbranded, was wholesome and fit for human consumption, ordered that the marshal deliver it to charitable or welfare organizations.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**29054. Misbranding of canned strawberries. U. S. v. 24 Cases of Canned Strawberries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29958. Sample no. 22964-A.)**

This case involved a shipment of canned strawberries, sample cans of which were found to contain less than the declared weight.

On March 17, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of canned strawberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about March 3, 1933, by Lidell & Clarke, Inc., from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Raycrest Brand Unsweetened Strawberries Net Weight 1 Lb. 4 Ozs. \* \* \* Packed by Ray Maling Co., Inc., Kitchens, Hillsboro, Oregon."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight 1 Lb. 4 Ozs.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 4, 1933, C. B. Hollywood, trading as the Hollywood-Fontana Co., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$65, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20955. Misbranding of pearl meal and cream meal. U. S. v. 300 Sacks of Pearl Meal, et al. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30039. Sample nos. 33628-A, 33629-A, 33630-A.)**

This case involved an interstate shipment of short-weight corn meal.

On or about April 1, 1933, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four hundred and five 24-pound sacks and eight hundred 10-pound sacks of meal at Vicksburg, Miss., alleging that the article had been shipped on or about March 21, 1933, by the Fowler Commission Co., from Shreveport, La., to Tallulah, La., and had been reshipped to Vicksburg, Miss., by the P. P. Williams Co., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled, variously: "Indian Head Pearl Meal \* \* \* 24 Lbs. When Packed"; "Indian Head Cream Meal \* \* \* 24 Lbs. when packed"; "Indian Head Cream Meal \* \* \* 10 Lbs. when packed."

It was alleged in the libel that the article was misbranded in that the statements, "24 Lbs. when packed" and "10 Lbs. when packed", were false and misleading, since the sacks contained less than declared on the label.

Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 25, 1933, the Fowler Commission Co., Shreveport, La., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned that it be correctly labeled.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20956. Adulteration of dried black figs. U. S. v. 60 Cases of Dried Black Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30073. Sample no. 23069-A.)**

This case involved a shipment of dried black figs that were insect-infested.

On April 12, 1933, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 cases of dried black figs at Honolulu, Hawaii, consigned by the American Factors, Ltd., alleging that the article had been shipped on or about April 5, 1933, from San Francisco, Calif., into the Territory of Hawaii, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A. M. F. A. G. G. D. \* \* \* Choice California Black Figs."

It was alleged in the libel that the article was adulterated in that it consisted in part of filthy, decomposed, and putrid animal and vegetable substances.

On April 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20957. Adulteration of cabbage. U. S. v. 65 Baskets of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30078. Sample no. 21517-A.)**

This case involved a shipment of cabbage that was found to bear arsenic and lead in amounts that might have rendered it injurious to health.

On March 23, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 baskets of cabbage at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 18, 1933, by W. C. Archbell, from McIntosh, Fla., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On April 19, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20958. Adulteration of apples. U. S. v. 33,300 Pounds of Apples. Product released under bond for removal of deleterious substances. (F. & D. no. 30394. Sample no. 26900-A.)**

This case involved a shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On April 10, 1933, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33,300 pounds of apples at Indianapolis, Ind., consigned on or about March 25, 1933, alleging that the article had been shipped in interstate commerce by the Perham Fruit Co., from Grandview, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which are harmful to health and which might have rendered the use of the article harmful.

On April 21, 1933, the New York Central Railroad Co., having filed a claim for the property, a decree was entered ordering the apples delivered to the



claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that they be brought into conformity with the law under the supervision of the State food and drug commissioner of Indiana. On May 25, 1933, the apples having been thoroughly washed to remove the arsenic and lead, the case was dismissed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20959. Misbranding of butter. U. S. v. 76 Cases of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 30442. Sample nos. 29655-A, 36119-A.)**

This case involved a shipment of butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On April 18, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cases of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about April 15, 1933, by the Nelson-Ricks Creamery, from Salt Lake City, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Net Weight One Pound Rose Bud Pasteurized Creamery Butter The Cudahy Packing Co. Distributors, \* \* \* Chicago."

It was alleged in the libel that the article was misbranded in that the statement "Net Weight One Pound", appearing on the label, was false and misleading. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 26, 1933, the Nelson-Ricks Creamery Co., Salt Lake City, Utah, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be remolded to bring it up to the declared weight or relabeled, the remolding or relabeling to be under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20960. Adulteration of apples. U. S. v. 145 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30088. Sample nos. 33653-A, 33654-A.)**

This case involved a shipment of apples that were found to bear lead in an amount which might have rendered them injurious to health.

On or about March 9, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 145 boxes of apples at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about February 20, 1933, by the Skookum Packers Association, from Wenatchee, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Skookum Mountain Goat Brand."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On April 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20961. Adulteration of butter. U. S. v. 32 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30439. Sample no. 31748-A.)**

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 24, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate com-

merce, on April 14, 1933, by the Akron Creamery Co., from Akron, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On April 27, 1933, S. & W. Waldbaum, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20962. Misbranding of cottonseed screenings. U. S. v. Southland Cotton Oil Co. Plea of nolo contendere. Fine, \$5. (F. & D. no. 29445. I. S. nos. 47477, 47490.)**

This case was based on interstate shipments of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the label.

On March 1, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southland Cotton Oil Co., a corporation, Paris, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 24 and November 7, 1931, from the State of Texas into the State of Kansas, of quantities of cottonseed screenings that were misbranded. The article was labeled in part: "Southland's Cottonseed Cake or Meal Prime Quality Guaranteed Analysis Crude Protein, not less than 43% \* \* \* Made \* \* \* By Southland Cotton Oil Company, Paris, Texas."

It was alleged in the information that the article was misbranded in that the statement, "Guaranteed Analysis Crude Protein, not less than 43%", borne on the tags attached to the sacks containing the article, was false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On April 25, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20963. Adulteration of apples. U. S. v. 39 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29602. Sample no. 5070-A.)**

This case involved an interstate shipment of apples that were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On November 9, 1932, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 bushels of apples at Gary, Ind., alleging that the article had been shipped in interstate commerce on or about November 2, 1932, by Bert & Granger, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "George Kniebes, Coloma, Mich."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On March 6, 1933, no claimant having appeared for the property, and the court having found that the apples were in a decaying condition, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20964. Adulteration of apples. U. S. v. 756 Boxes of Apples. Product released under bond for removal of lead spray residue. (F. & D. no. 30007. Sample no. 31363-A.)**

This case involved an interstate shipment of apples that were contaminated with lead spray residue.

On March 14, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 756 boxes of apples at Jersey City, N. J., alleging that the article had been



shipped in interstate commerce, on or about March 3, 1933, by the Independent Fruit Shippers, from Wenatchee, Wash., into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Larkspur Apples \* \* \* Jerome Distributing Co. Inc., Wenatchee, New York."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it harmful to health.

The Independent Fruit Shippers, Inc., appeared as claimant, and filed a stipulation admitting the allegations of the libel and consenting to the condemnation of the product. On March 22, 1933, a decree was entered ordering that the apples be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that they be made to comply with the requirements of the Federal Food and Drugs Act, by removal of the lead spray residue.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20965. Adulteration of walnut meats. U. S. v. 120 Cartons of Walnut Meats. Product released under bond for separation and destruction of unfit nuts. (F. & D. no. 29856. Sample no. 2462-A.)**

This case involved an interstate shipment of walnut meats which were in part wormy, rancid, and moldy.

On February 15, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 120 cartons of walnut meats at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about January 3, 1933, by L. De Martini Supply Co., from Los Angeles, Calif., to Salt Lake City, Utah, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and filthy vegetable substance.

On March 16, 1933, the L. De Martini Supply Co., Los Angeles, Calif., appeared and filed a claim and answer admitting the allegations of the libel and praying release of the nuts. On the same date, claimant having paid costs of the proceedings and executed a bond in the sum of \$120, conditioned that the nuts be sorted under the supervision of this Department, a decree was entered granting claimant permission to ship them to Los Angeles and to sell or dispose of all that were found to be sound and edible.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20966. Adulteration of celery. U. S. v. 342 Crates of Celery. Consent decree of condemnation and forfeiture. Product released under bond to be cleaned. (F. & D. no. 29884. Sample no. 33866-A.)**

This case involved an interstate shipment of celery that was found to bear arsenic in an amount which might have rendered it injurious to health.

On or about January 28, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 342 crates of celery at Chicago, Ill., alleging that the article had been shipped in interstate commerce, January 17, 1933, by the Guadalupe Produce Co., from Guadalupe, Calif., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lompoc Brand \* \* \* Guadalupe Produce Co. \* \* \* Guadalupe, Calif."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, in an amount which might have rendered it injurious to health.

On February 4, 1933, La Mantia Bros., Arrigo Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the celery might be cleaned so that it could be sold without violating the law, ordered that it be released to the claimant for cleaning under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20967. Adulteration and misbranding of prepared mustard. U. S. v. 8 Cases and 1 Case of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29783. Sample no. 34352-A.)**

This action involved quantities of prepared mustard, a part in 1-pound and a part in 5½-ounce jars. Examination showed that the article contained mustard bran and that the 1-pound jars were short weight.

On January 30, 1933, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of nine cases of prepared mustard at Providence, R.I., alleging that the article had been shipped in interstate commerce on or about December 17, 1932, by the Mid-West Food Packers, Inc., from Fowlerton, Ind., to Providence, R.I., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Blue Mountain Prepared Mustard Contents 1 lb. [or "5½ oz."]."

It was alleged in the libel that the article was adulterated in that mustard bran had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "Prepared Mustard", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding of a portion was alleged for the further reason that the statement, "Contents 1 Lb.", was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On February 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20968. Misbranding of orange juice. U. S. v. 9 Cases, 5 Cases, and 21 Cases of Orange Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29646. Sample nos. 30081-A, 30082-A.)**

This action involved an interstate shipment of two lots of orange juice, samples of which were found to contain less than the amount declared. One of the lots fell below the standard for fill of container established by this Department and were not labeled to indicate that they were slack-filled.

On December 16, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 35 cases of orange juice at Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about October 24, 1932, by the Hanson & Choate Products Co., from Los Angeles, Calif., to Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Hanson's \* \* \* Orange Juice, Net Contents 1 Pt. 4 Fl. Oz. [or "Net Contents ½ Gallon"]."

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels were false and misleading and deceived and misled the purchaser: "Net Contents 1 Pt. 4 Fl. Oz."; "Net Contents ½ Gallon." Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect. Misbranding of the product in the 1-pint-4-ounce cans was alleged for the further reason that it fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, because of excessive headspace of the cans, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such a standard.

On January 19, 1933, Harry Bartley Raymond, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled so that it comply fully with the Federal Food and Drugs act as amended.

R. G. TUGWELL, *Acting Secretary of Agriculture.*



**20969. Adulteration of canned salmon. U. S. v. 1,601 Cases, et al., of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of unfit portion.** (F. & D. no. 28962. Sample no. 26084-A.)

This case involved a shipment of canned salmon that was in part decomposed.

On October 4, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 1,793 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped on or about August 5, 1932, by the Alaska Salmon Co., from Unalaska, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 20, 1932, the Alaska Salmon Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that all cans containing decomposed salmon be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20970. Adulteration of butter. U. S. v. Jesse Baxter and Chris J. Camenisch (Stanford Creamery Co.). Pleas of guilty. Fines, \$200 and costs. Sentences suspended.** (F. & D. no. 29421. Sample no. 4169-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On February 3, 1933, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jesse Baxter and Chris J. Camenisch, copartners, trading as Stanford Creamery Co., Stanford, Ky., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about May 13, 1932, from the State of Kentucky into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product that should contain not less than 80 percent of milk fat, which the article purported to be.

On April 4, 1933, the defendants entered pleas of guilty to the information and were each fined \$100 and costs. The court ordered that both sentences be suspended.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20971. Adulteration of canned tomatoes. U. S. v. 1,800 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond for separation and destruction of unfit portion.** (F. & D. no. 28826. Sample no. 16309-A.)

This case involved an interstate shipment of canned tomatoes, samples of which were found to contain dead insects and maggots.

On August 30, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,800 cases of canned tomatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 4, 1932, by Thomas Roberts & Co., from Fort Pierce, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Pride of the Farm Brand \* \* \* Tomatoes Thomas Roberts & Co., Philadelphia, Pa. \* \* \* Distributors."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On October 13, 1932, a claim and answer having been filed admitting the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$1,000, conditioned that the goods be examined under the supervision of this Department and that all cans found to contain adulterated tomatoes be destroyed. It was further ordered that claimant pay costs of the proceedings.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20972. Adulteration and misbranding of prepared mustard. U. S. v. 42 Cases, et al., of Prepared Mustard. Portion of product released under bond to be relabeled. Remainder condemned and ordered delivered to charitable institutions, or destroyed. (F. & D. nos. 29759, 29775, 29839, 29907, 29929. Sample nos. 18205-A, 21539-A, 21607-A, 33172-A, 33173-A, 34501-A.)**

These cases involved interstate shipments of prepared mustard which was found to be short weight. Examination also showed the presence of added mustard bran in certain lots.

On January 20, 1933, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 cases of prepared mustard at Dothan, Ala. On January 26 and on February 11, 1933, libels were filed in the Northern District of New York against 35 cases of prepared mustard at Utica, N.Y., and 18¾ dozen jars at Syracuse, N.Y.; on March 6, 1933, a libel was filed against 62 cases of the product at Worcester, Mass., and on March 15, 1933, a libel was filed in the Southern District of Alabama against 150 cases at Mobile, Ala. It was alleged in the libels that the article had been shipped in interstate commerce, by the Mid-West Food Packers, Inc., from Fowlerton, Ind., into the States of New York, Massachusetts, and Alabama, that the shipments had been made between October 29, and December 28, 1932, that a portion was adulterated and that all lots were misbranded in violation of the Food and Drugs Act as amended. A portion of the article was labeled; "Thames Brand Prepared Mustard Contents 2 lbs." The remainder was labeled: "Mid-West Brand Prepared Mustard Contents 8 Oz. [or "Net Contents 1 Lb. Avd." or "Contents 2 Lbs.]" \* \* \* Mid West Food Packers, Inc., Fowlerton [or "Marion"] Indiana."

It was alleged in the libels that a portion of the article was adulterated in that mustard bran had been substituted in part for the article.

Misbranding was alleged with respect to the portion of the article containing mustard bran for the reason that the statement, "Prepared Mustard," was false and misleading and deceived and misled the purchaser; and for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to all lots for the reason that the statements, "Contents Two Lbs.," "Contents 8 Oz.," "One Lb. Avd.," and "Net Contents Two Lbs.," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made on the labels were incorrect.

The Ayers Brokerage Co. filed a claim for the product seized at Dothan, Ala. No claimant appeared in the remaining cases. On April 11 and 26, 1933, judgment was entered in the Northern District of New York, condemning and forfeiting the product, and on April 20, and July 8, 1933, similar decrees were entered in the Massachusetts and Southern Alabama cases. The lot seized at Worcester, Mass., was ordered destroyed and the lots seized at Syracuse, N.Y., and Mobile, Ala., were ordered delivered to charitable institutions in lieu of destruction, in view of the fact that the article contained no deleterious ingredient. On May 24, 1933, the lot seized at Dothan, Ala., was released to the claimant to be relabeled with a statement of the correct weight.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20973. Alleged adulteration of barley mixed oats. U. S. v. 800 Sacks of Barley Mixed Oats. Tried to a jury. Verdict and judgment for claimant. Appeal to Circuit Court of Appeals. Judgment of lower court affirmed. (F. & D. no. 26280. I. S. nos. 26527, 26528. S. no. 4623.)**

This case involved an interstate shipment of 800 sacks of barley mixed oats which, upon examination, were found to contain moisture in excess of the amount normally found in such product.

On April 24, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 800 sacks of barley mixed oats at Mileston, Miss., alleging that the article had been shipped in interstate commerce, on or about April 10, 1931, by Embrey E. Anderson, from Memphis, Tenn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Barley Mixed Oats Sulphur Bleached containing added salt, 159¼ lbs. net."



It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality, and had been substituted partly for the said article.

On November 9, 1931, Embrey E. Anderson, Memphis, Tenn., having filed a claim and answer denying the adulteration charge, the case was tried to a jury. After the submission of evidence, and arguments by counsel, the court instructed the jury as follows (Grubb, *D. J.*):

"Gentlemen of the jury, this is a suit filed by the Government to condemn these oats because of a violation of the Pure Food Law, bleached oats and barley, as I understand it. That is the commodity recognized in the grain trade. This is not a regulation of the Department. We have to look to the law itself. It says when food is adulterated through water, or some substitution is made. That is one way of accomplishing adulteration, as shown by the statute. I don't think there is anything in the case to show there was a substitution of anything but oats and barley mixed. That water was used in the process and left in the oats after the process, is not substitution in any commodity in the bleaching of barley mixed oats, so you need not consider that part of it. That is the duty of the court—to construe the law. That is under the control of the court as a matter of law, and I do not think the Government has made out a case under that feature of it.

"Another feature of it says that they added things in bleaching the oats and barley mixture that would reduce or lower and effect its strength and quality as food.

"You have heard the witnesses testify. Only two were called. Mr. Simpson and Mr. Ford. I believe that Mr. Simpson testified in general terms that it would have tendency to reduce, lower, and injuriously affect the strength and quality of the barley mixed oats—barley and oats mixed—as a food. Mr. Ford testified that in 100 pounds where the mixture of water would be 4 percent, or 4 pounds, that there would be 4 pounds of water and 96 pounds oats and barley mixture, and that it would reduce the quality from 100 to 96. However, as I see it, the remaining quality of the oats and barley mixture would not be reduced, lowered, or decreased. The only way a man would lose anything, if he lost anything, would be that he got 96 pounds and the other had gotten out in moisture. Instead of getting 100 pounds he got 96 pounds. The quality would not be lowered or increased.

"If you believe the only way that leaving the moisture in it affected the bleached barley and the oats mixture was to reduce the quantity of the oats and barley from 100 pounds to 96 pounds, leaving 4 pounds with water, then I would think that was a violation of the statutes if it adulterated and destroyed its value as a food, and under the general proposition the Government would have to show that the leaving of water in it reduced, lowered, or injuriously affected the 96 pounds of actual barley and oats mixed in strength and quality. If it did not do that, then the Government is not entitled to condemn the commodity. If you believe that it did not diminish the quality of oats and barley mixture 4 pounds and leaving remaining 96 pounds and did not have less strength quality for food for stock, then the Government would not be entitled to condemn it. That is what you must do. The statute does not say anything about quantity. It does say quality and strength as food, and this barley mixture must not be lowered or reduced or injuriously affected by leaving water in it.

"If you find that 96 pounds would be left in the volume for food, and that its strength would be lowered or injuriously affected by leaving the water in it then the Government would be entitled to a verdict.

"On the other hand if you find that a man got 4 pounds of water as part of his purchase, and 96 pounds of oats and barley mixture, which was just as good, and the strength and quality was not in any way reduced, lowered, or injuriously affected by the presence of water, then I say to you that the claimant is entitled to a verdict.

"If you find for the Government your verdict will be, 'We, the jury, find for the plaintiff.' That is all you need.

"If you find for the defendant, the claimant, your verdict will be, 'We, the jury, find for the claimant.'"

Mr. WILLS. If the court please, the libellant, the United States, wishes to except, in the presence of the jury, to that portion of the court's charge to the jury that the evidence does not show a substitution in the product described. The libellant further asks an exception, in the presence of the jury, to the charge

of the court that if the only effect of the addition of water to it was to reduce the quantity of the oats contained in the shipment, and that the addition of the water did not affect the remaining oats as food, the evidence would not show the goods moved in violation of the Pure Food and Drug Act.

The COURT. All right.

Mr. WILLS. Now comes the libellant, in the presence of the jury, and requests the court to charge the jury to find for the Government in this case, the libellant.

The COURT. That is denied with the exception I should have said libellant instead of plaintiff.

Mr. ROBERTSON. On the part of the claimant we desire to except to that part of the charge of the court wherein you state that the witness, Simpson, testified that the water content would injuriously affect the oats as a food.

The COURT. I thought he did. You are the judges of the facts, not me, gentlemen of the jury. Use your own recollection about that. That is a question on which you must use your own recollection and not mine.

On November 9, 1931, the jury returned a verdict for the claimant and judgment was entered ordering that the property be delivered to the claimant and the libel dismissed. The Government petitioned for appeal from the judgment of the court, which petition was allowed. The time for the completion of the record was extended from time to time and on June 16, 1932, the Government filed its bill of exceptions. On April 19, 1933, the case was heard on appeal in the Circuit Court of Appeals for the Fifth Circuit, before Bryan, Sibley, and Hutcheson, circuit judges, and the judgment of the lower court was affirmed in the following opinion, (Bryan, *Cir. J.*):

"The United States filed a libel to condemn two carloads of mixed barley and oats on the ground that they had been adulterated with water, in violation of section 7 of the Pure Food and Drug Act of 1906. 21 U.S.C.A. section 8. The averments as to adulteration were put in issue by appellee as owner and claimant of the grain.

"According to the Government's evidence, samples taken from one car contained 14.15, and from the other 14.33, percent of moisture. Water is used in the bleaching process to which the grain was subjected, and the percentage of moisture found was not as high as the 14.5 percent fixed by the Secretary of Agriculture under section 3 of the Grain Standards Act. 7 U.S.C.A. section 75. There was evidence to the effect that there was an average of 10 percent of moisture in 249 cars that had been recently inspected, but there was no evidence tending to show that the excess of four percent of moisture had any detrimental effect upon the quality of the grain in question. The district judge charged the jury that water used in the bleaching process did not constitute the substitution of one article for another; that if the presence of excessive moisture injured the quality of the grain, a verdict should be returned for the Government; but that if the moisture only added to the weight of the grain without any injurious effect upon it, the claimant was entitled to a verdict. Upon these instructions the jury found for the claimant, and a judgment was entered dismissing the libel. The assignments of error, while complaining of the court's charges, are really based upon the refusal to direct a verdict in favor of the United States.

"We agree with the district judge that there was no substitution of moisture for grain. There is more or less moisture in ripe grain, depending upon locality, season of the year, and atmospheric conditions. Nor is it seriously contended that the percentage of moisture in the grain, which was less than that authorized by the Department of Agriculture under the Grain Standards Act, was deleterious or in any way injurious to the health of animals. The real insistence is that a purchaser of grain by weight would be paying a part of the purchase price for water. Two cases are relied on by appellant in support of this position. The first is *Union Dairy Co. v. United States*, 250 F. 231, in which it was held that the addition of water to milk constitutes adulteration. That case is easily distinguishable from this. Water injuriously affects the quality and strength of milk and renders it less palatable, and less nutritive. But a mixture of barley and oats which contains an excess of four percent above the average of moisture is not injured thereby, or made less valuable or desirable as a food for animals. The other case, *United States v. 154 Sacks of Oats*, 283 F. 985, is not in point here, because there the addition of wild oats, seeds of weeds, chaff, and dust to the grain afforded indubitable evidence both of substitution and adulteration. In *United States v. Lexington Mill Co.*, 232 U.S. 399, it is said: 'As against adulteration, the statute was intended to protect the public health from possible injury by adding to articles of food consumption poisonous and



deleterious substances which might render such articles injurious to the health of consumers.' There is no claim here of misbranding or misrepresenting the weight of an article in commerce, and so we are not concerned with the question whether the grain could have been forfeited because of the owner's failure to disclose its true weight separately, and apart from the weight of the moisture contained in it. The conclusion is that the court did not err in giving the charges complained of, or in refusing to direct a verdict in favor of the United States.

"The judgment is affirmed."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20974. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28623. Sample no. 11987-A.)**

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 25, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 tubs of butter at New York N. Y., alleging that the article had been shipped in interstate commerce on or about July 13, 1932, by the Hawkeye Creamery, from Hawkeye, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

The Hawkeye Creamery Co. appeared through an agent and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reworked so that it contain at least 80 percent of butterfat. On August 12, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the butter be released upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be reworked.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20975. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine. \$10. (F. & D. no. 28126. I. S. no. 12986.)**

This case was based on an interstate shipment of butter, sample cartons of which were found to contain less than 1 pound, the weight declared on the label..

On August 8, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation trading at Modesto, Calif., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about February 4, 1931, from the State of California into the State of Nevada, of a quantity of butter that was misbranded. The article was labeled in part: "Swift's Premium Quality Brookfield Pasteurized Creamery Butter \* \* \* 1 Lb. Net Weight. \* \* \* Distributed by Swift & Company \* \* \* Chicago."

It was alleged in the information that the article was misbranded in that the statement "1 Lb. Net Weight", borne on the package, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound net weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 12, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20976. Adulteration and misbranding of canned shrimp. U. S. v. 98 Cases of Canned Shrimp. Product released under bond to be relabeled. (F. & D. no. 28340. Sample no. 6669-A.)**

This case involved a quantity of canned shrimp that contained excessive brine and was short weight.

On May 21, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 98 cases of canned shrimp at St. Louis, Mo., alleging that the article had been

shipped in interstate commerce, on or about April 23, 1932, by James A. Smith, from Fernandina, Fla., to St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Meletio's DeLuxe Quality Shrimp Wet Pack Contents 5¼ oz."

It was alleged in the libel that the article was adulterated in that a substance, brine, had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Contents 5¼ oz.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 12, 1932, the Meletio Seafood Co., St. Louis, Mo., having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering the product released to the claimant upon the execution of a bond in the sum of \$500, conditioned that it be relabeled to show its true contents.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20977. Misbranding of cider vinegar. U. S. v. The Naas Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 25683. I. S. nos. 09137, 010140.)**

This action was based on interstate shipments of cider vinegar which was found to be short of the volume declared on the label. The requirement of the law that the quantity of the contents be stated on the label was not complied with, since the statements were incorrect.

On July 11, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Naas Corporation, Cohocton, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 14, 1929, and May 31, 1929, from the State of New York into the State of Michigan, of quantities of vinegar that was misbranded. A portion of the article was labeled: "Steuben Brand \* \* \* Net Contents One Pint Reduced Cider Vinegar \* \* \* Naas Cider & Vinegar Co., Inc. Cohocton, N.Y." The remainder was labeled, "Cider Vinegar \* \* \* NA-CO Brand \* \* \* Naas Cider & Vinegar Co., Inc., Cohocton, N.Y." The label in the latter lot also bore the statement, "Net Contents One Pint", which statement was lightly over stamped "10 Oz."

It was alleged in the information that the article was misbranded in that the statement, "Net Contents One Pint", with respect to a portion of the article, and the statements, "10 Oz." and "Net Contents One Pint", with respect to the remainder, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the bottles in the first lot contained less than 1 pint and those in the latter lot contained less than 10 ounces of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 28, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20978. Adulteration and misbranding of cheese. U. S. v. Fred Wuethrich and Alfred Wuethrich (Wuethrich Bros.). Pleas of guilty. Fine, \$10. (F. & D. no. 26608. Sample no. 14374.)**

This case was based on an interstate shipment of cheese which contained excessive moisture.

On September 12, 1931, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Fred Wuethrich and Alfred Wuethrich, copartners, trading as Wuethrich Bros., Doylestown, Wis., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about November 6, 1930, from the State of Wisconsin into the State of Illinois, a quantity of cheese which was adulterated and misbranded. The article was labeled: (Box) "Rosebud Cream Cheese Made from Whole Milk Distributed by G. H. Hammond Co., Chicago, U. S. A."; (on each cheese) "Wisconsin No. 1."



It was alleged in the information that the article was adulterated in that a product containing excessive moisture, namely, more than 39 percent of water, had been substituted for Wisconsin No. 1 cheese, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Cheese" and "Wisconsin No. 1", borne on the labels, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the statements represented that the article was Wisconsin No. 1 cheese, i.e., cheese containing not more than 39 percent of moisture; whereas it was not Wisconsin No. 1 cheese, since it contained more than 39 percent of moisture.

On September 26, 1931, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20979. Adulteration of butter. U. S. v. Minnesota Creamery Co. Plea of guilty. Fine, \$10.** (F. & D. no. 29441. I. S. no. 26086.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On March 27, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Minnesota Creamery Co., a corporation, trading at St. Paul, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 28, 1931, from the State of Minnesota into the State of Ohio, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product that contained less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

On March 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20980. Adulteration of canned salmon. U. S. v. 200 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 29533. Sample no. 7774-A.)

This case involved an interstate shipment of canned salmon that was found to be in part decomposed.

On November 29, 1932, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 200 cases of canned salmon at Columbus, Ga., alleging that the article had been shipped in interstate commerce, on or about September 18, 1932, by C. F. Buelow Co., Inc., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spot Lite Brand Pink Salmon \* \* \* C. F. Buelow Company, Incorporated, Seattle."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20981. Adulteration of figs. U. S. v. Minas Koligian, Sarkis Koligian, Hacho Koligian, Mugur Koligian, trading as Koligian Bros., and Charles Kalajian. Pleas of guilty. Fines, \$210. Sentences suspended for two years.** (F. & D. no. 29524. I. S. no. 22888.)

This case was based on an interstate shipment of figs, a large proportion of which were found to be insect-infested, moldy, and sour.

On April 17, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Minas Koligian, Sarkis Koligian, Hacho Koligian, and Mugur Koligian, copartners trading as Koligian Bros., and Charles Kalajian, Fresno, Calif., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about December 31, 1931, from the State of California into the State of Oregon, of a quantity of figs which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable and animal substance.

On April 21, 1933, Muger Koligian, appearing for the copartnership, and Charles Kalajian, each entered a plea of guilty to the information and the court imposed a fine of \$200 on the former and \$10 on the latter. The court ordered that the fines be suspended for a period of 2 years on condition that the defendants refrain from violating the laws of the United States and particularly the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20982. Adulteration and misbranding of strawberry, raspberry, blackberry, and cherry preserves, and raspberry jelly; and misbranding of pineapple preserves. U. S. v. Leghorn Food Products Corporation. Plea of guilty. Fine, \$300 on counts 1 and 2. Sentence suspended on remaining counts. (F. & D. no. 28159. I. S. nos. 29029, 30731, 38006, 38008, 38012, 38013, 38014.)**

The products in this case consisted of fruit preserves and jelly that contained undeclared added pectin. The strawberry preserves were deficient in fruit; the raspberry jelly also was deficient in fruit and contained added sodium benzoate; the raspberry and blackberry preserves were deficient in fruit and insufficiently concentrated, and the cherry preserves were insufficiently concentrated.

On March 2, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information in 11 counts against the Leghorn Food Products Corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 3, 1931, from the State of New York into the State of New Jersey, of a quantity of strawberry preserves that were adulterated and misbranded; and on or about June 2 and June 12, 1931, from the State of New York into the State of Pennsylvania, of quantities of raspberry jelly, raspberry preserves, blackberry preserves, and cherry preserves that were adulterated and misbranded, and of a quantity of pineapple preserves that were misbranded. The articles were labeled, variously: "Crest Brand Pure Strawberry Preserves \* \* \* Mfg'd By Leghorn Food Prod. Corp. Brooklyn, N.Y."; "Crest Pure Raspberry Jelly Leghorn Food Products Corporation."; "I G A Brand \* \* \* Pure Raspberry [or "Blackberry", "Cherry", or "Pineapple"] Preserves \* \* \* Packed for Independent Grocers Alliance Distributing Co., Chicago."

Adulteration of the strawberry, raspberry, blackberry, and cherry preserves, and the raspberry jelly was alleged for the reason that undeclared added pectin had been mixed and packed with the articles so as to reduce and lower and injuriously affect their quality and strength. Adulteration was alleged for the further reason that products deficient in fruit and containing undeclared added pectin had been substituted for the said strawberry preserves and raspberry jelly; that insufficiently concentrated products deficient in fruit and containing added pectin had been substituted for raspberry and blackberry preserves; and that a product insufficiently concentrated and containing excessive water and undeclared added pectin, mixed in a manner whereby inferiority was concealed, had been substituted for cherry preserves. Adulteration of the strawberry, raspberry, and blackberry preserves and the raspberry jelly was alleged for the further reason that pectin had been mixed with the article in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statements, "Pure Strawberry Preserves", "Pure Raspberry Jelly", "Pure Raspberry Preserves", "Pure Blackberry Preserves", "Pure Cherry Preserves", and "Pure Pineapple Preserves", borne on the jar labels, were false and misleading and deceived and misled the purchaser, since the statements represented that the articles were pure fruit preserves and jelly; whereas they contained undeclared added pectin, certain of the products were insufficiently concentrated, the cherry preserves contained excessive water, and all, with the exception of the cherry and pineapple preserves, were deficient in fruit. Misbranding was alleged with respect to all products for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding of the raspberry jelly was alleged for the further reason that the label bore no statement of the added sodium benzoate contained in the article, so as to deceive and mislead the purchaser into the belief that it contained no sodium benzoate.



On April 19, 1933, a plea of guilty to all 11 counts of the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 on each of counts 1 and 2, and suspended sentence on the remaining 9 counts.

R. G. TUGWELL, *Acting Secretary of Agriculture*

**20983. Misbranding of cottonseed meal and cottonseed screenings. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 29478. I. S. nos. 50952, 50955.)**

This action was based on interstate shipments of cottonseed meal and cottonseed screenings that contained less than 43 percent of protein, the amount declared on the label.

On March 20, 1933, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation, trading at Chickasha, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 4 and March 7, 1932, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cottonseed screenings that were misbranded. The articles were labeled in part: (Tag) "Chickasha Prime 43% Protein Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43%, \* \* \* Manufactured by or for Chickasha Cotton Oil Company, Chickasha, Okla."

It was alleged in the information that the articles were misbranded in that the statements, "43% Protein \* \* \* Guaranteed Analysis Protein not less than 43%", borne on the tags, were false and misleading; and for the further reason that they were labeled so as to deceive and mislead the purchaser, since they contained less than 43 percent of protein.

On April 14, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture*

**20984. Adulteration of apples. U. S. v. 610 Boxes of Apples. Product washed and released upon payment of costs. (F. & D. no. 30084. Sample no. 31251-A.)**

This case involved an interstate shipment of apples which were found to bear arsenate of lead in an amount which might have rendered them injurious to health.

On February 28, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 610 boxes of apples at Helena, Mont., alleging that the article had been shipped in interstate commerce, on or about February 15, 1933, by the Nash-Corrigan Co., from Zillah, Wash., to Helena, Mont., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pheasant Brand \* \* \* Nash-Corrigan Company, Yakima, Washington U. S. A. Packed by R. E. Richardson, Zillah, Wash."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, namely, arsenate of lead, which might have rendered it injurious to health.

On March 13, 1933, the Nash-Finch Co., Helena, Mont., having appeared as claimant for the property and having admitted the allegations of the libel, and the court having found that the apples had been washed and met the requirements of the law, a decree was entered ordering that the product be delivered to the claimant upon payment of costs.

R. G. TUGWELL, *Acting Secretary of Agriculture*

**20985. Adulteration of apples. U. S. v. 660 Bushels of Apples. Product released under bond for removal of arsenic. (F. & D. no. 30080. Sample no. 25423-A.)**

This case involved an interstate shipment of apples which bore arsenic in an amount which might have rendered them injurious to health.

On March 8, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 660 bushel baskets of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about February 24, 1933, by the J. C. Palumbo Fruit Co., from Payette, Idaho, to St. Louis, Mo., and charging

adulteration in violation of the Food and Drugs Act. The article was labeled in part: "La Paluma Brand \* \* \* J. C. Palumbo Fruit Co. Payette, Idaho."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious substance, arsenic, which might have rendered it harmful to health.

On March 11, 1933, Clinton J. Butler, having appeared as claimant for the property and having admitted the allegations of the libel, and the court having found that the arsenic could be removed so that the apples would be fit for human consumption, judgment was entered ordering that the product be released to the claimant upon the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20986. Adulteration of apples. U. S. v. 231 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30020. Sample no. 22671-A.)**

This action involved an interstate shipment of apples which were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On February 21, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 231 boxes of apples at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about February 9, 1933, by Frank B. Ritchey, from Milton, Oreg., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Northwest Apples \* \* \* Independent Fruit Co. Growers and Car lot Shippers, Milton Oregon."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On March 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20987. Adulteration of apples. U. S. v. 756 Boxes of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30019. Sample no. 28162-A.)**

This case involved a quantity of apples that were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On March 11, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 756 boxes of apples at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about February 28, 1933, by J. C. Hale, from Buena, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Man O' War Brand Washington Apples E. S. Small, Inc. Yakima, Wash."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On March 20, 1933, the Cochrane Brokerage Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be brought into compliance with the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20988. Adulteration of dressed poultry. U. S. v. Idaho Egg Producers. Plea of guilty. Fine, \$50. (F. & D. no. 29466. Sample no. 102-A.)**

This case was based on an interstate shipment of dressed poultry. Examination showed diseased conditions, discoloration, and emaciation in a large proportion of the fowls.



On April 4, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Idaho Egg Producers, a corporation, Caldwell, Idaho, alleging shipment by said company in violation of the Food and Drugs Act, on or about April 27, 1932, from the State of Idaho into the State of California, of a quantity of dressed poultry which was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of filthy, decomposed, and putrid animal substances; and in that it was a product of diseased animals.

On April 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20989. Misbranding of clam nectar. U. S. v. Paul Shelley Guilford (Guilford Packing Co.). Plea of guilty. Fine, \$5 and costs. (F. & D. no. 29464. I. S. no. 22494.)**

This case was based on a shipment of clam nectar in which the cans were found to contain less than the declared volume. The declaration "110 Fl. Oz." was not a plain and conspicuous statement of the quantity of the contents as required by law, since it was not correct and was not made in terms of the largest unit, and therefore not informative.

On April 10, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paul Shelley Guilford, trading as Guilford Packing Co., Port Townsend, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about January 29, 1932, from the State of Washington into the State of California, of a quantity of clam nectar that was misbranded. The article was labeled in part: "Sea Breeze Clam Nectar Net Contents 110 Fl. Oz. Packed by Guilford Packing Co., Port Townsend, Wn."

It was alleged in the information that the article was misbranded in that the statement "Net Contents 110 Fl. Oz.", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than 110 fluid ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 18, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20990. Adulteration of canned salmon. U. S. v. Ketchikan Packing Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29446. I. S. no. 12790.)**

This case was based on a shipment of canned salmon, samples of which were found to be tainted or stale.

On April 4, 1933, the United States attorney for the first division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ketchikan Packing Co., a corporation, Ketchikan, Alaska, alleging shipment by said company in violation of the Food and Drugs Act, on or about August 25, 1931, from Alaska into the State of Washington of a quantity of salmon that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20991. Adulteration of canned salmon. U. S. v. 610 Cases, et al., of Canned Salmon. Decrees of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. nos. 29097, 29112, 29250. Sample nos. 9296-A, 22539-A to 22550-A, incl., 25257-A, 25258-A, 25259-A, 25261-A.)**

These cases involved several interstate shipments of canned salmon. Sample cans taken from each of the shipments were found to contain decomposed salmon.

On October 21, 1932, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 610 cases of canned salmon at Norfolk, Va. On October 21, 1932, the United States attorney for the District of Maine filed a libel against 500 cases of canned salmon at Portland, Maine, and on November 9, 1932, the United States attorney for the Northern District of California filed a libel against 8,000 cases of canned salmon at San Francisco, Calif. It was alleged in the libels that the article had been shipped in interstate commerce between September 9, and October 4, 1932, by Libby, McNeill & Libby from Seattle, Wash., into the States of Virginia, Maine, and California, respectively, and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Libby's Fancy Red Alaska Salmon." The remainder was labeled in part: "Happy-Vale Pink Salmon \* \* \* Packed for Emery Food Co., Chicago."

The libels charged adulteration with respect to portions of the article in that it consisted in part of a decomposed animal substance; and with respect to the remainder, that it consisted in part of a decomposed and putrid animal substance.

Libby, McNeill & Libby appeared as claimant for the 5,119 cases of the product seized at San Francisco, Calif., and the Copper River Packing Co. filed claims for the goods seized at Norfolk, Va., and Portland, Maine. On March 14, 1933, the material allegations of the libel having been admitted, judgment of condemnation and forfeiture was entered in the case instituted in the Eastern District of Virginia, and the court ordered that the product be released to the claimant, upon payment of costs and the execution of a good and sufficient bond, conditioned that all decomposed salmon be destroyed. On March 23 and March 30, 1933, decrees containing similar provisions were entered in the cases instituted in the District of Maine and the Northern District of California.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20992. Adulteration and misbranding of dried grapes. U. S. v. Luigi Severini. Plea of guilty. Fine, \$10.** (F. & D. no. 29510. Sample no. 218-A.)

This action was based on an interstate shipment of a number of cases of dried grapes which were insect-infested, moldy, and dirty, and which were not labeled on the cases with a statement of the quantity of the contents.

On April 7, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Luigi Severini, Fresno, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 4, 1932, from the State of California into the State of Oregon, of a quantity of dried grapes which were adulterated and misbranded. The article was labeled in part: "Zinfandel Packed for Vito Vitti Portland-Or."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 17, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20993. Misbranding of cottonseed screenings. U. S. v. Terminal Oil Mill Co. Plea of guilty. Fine, \$50 and costs.** (F. & D. no. 29381. I. S. nos. 45595, 47482.)

This case was based on the interstate shipment of quantities of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the label.

On December 29, 1932, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Terminal Oil Mill Co., a corporation, Oklahoma City, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 1, 1931, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed screenings that were misbranded. The article was labeled in part: "'Tomco Prime' Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43 percent \* \* \* Manufactured by Terminal Oil Mill Co. Oklahoma City, Oklahoma."



It was alleged in the information that the article was misbranded in that the statement, "Guaranteed Analysis Protein, not less than 43%", borne on the tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On January 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20994. Adulteration of apple butter. U. S. v. 36 Jars of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29765. Sample no. 26547-A.)**

This case involved a shipment of apple butter that contained insects of the storage type, indicating that it had been made from apples that were insect-infested.

On January 21, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 jars of apple butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 22, 1932, by the Old Virginia Packing Co., from Front Royal, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Maiden Blush Brand Apple Butter \* \* \* Old Virginia Packing Co. Front Royal, Va."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20995. Misbranding of canned artichokes. U. S. v. 20 Cases of Canned Artichokes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29798. Sample no. 2975-A.)**

This case involved a shipment of canned artichokes in which the cans were labeled as containing from 20 to 27 artichokes each, with a net weight of 12 ounces. Examination showed a drained weight of less than 12 ounces, and a smaller count than represented, the cans examined containing from 18 to 27 each, the average count being 21.

On February 6, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of canned artichokes at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 7, 1932 and January 3, 1933, by the Pratt-Low Preserving Co., from Santa Clara, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Pratt Low Brand 20-27 in Can \* \* \* Artichokes Net Contents 12 Oz. Pratt-Low Preserving Company \* \* \* Santa Clara, California."

It was alleged in the libel that the article was misbranded in that the statements on the label, "20-27 in Can \* \* \* Net Contents 12 Oz.", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 5, 1933, a claim and answer having been filed admitting the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20996. Misbranding of canned cherries. U. S. v. 92 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29306. Sample nos. 22416-A, 22417-A.)**

This action involved an interstate shipment of a product, labeled "pitted cherries", which was found to consist in part of unpitted cherries. The article

contained sugar solution of insufficient strength to bring the liquid portion up to the standard prescribed by this Department and was not labeled to indicate that it was substandard.

On November 17, 1932, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 92 cases of canned cherries at Harrisonburg, Va., alleging that the article had been shipped in interstate commerce, on or about August 15, 1932, by Orrtanna Canning Co., from Orrtanna, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Homeland Brand [or "Orrtanna Favorite Brand"] Red Sour Pitted Cherries, Packed by Orrtanna Canning Co., Orrtanna, Pa."

It was alleged in the libel that the article was misbranded in that the above-quoted statements on the label were false and misleading and deceived and misled the purchaser, since they represented that the article consisted of pitted cherries, whereas it consisted in part of unpitted cherries. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the liquid portion read less than 16 degrees Brix, and the label did not bear a plain and conspicuous statement indicating that the article was substandard.

A. J. Harris & Co., Baltimore, Md., appeared as claimant for the property, admitted the allegations of the libel, and consented to condemnation and forfeiture of the product. On March 22, 1933, judgment was entered finding the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled with the substandard legend: "Below U. S. Standard—Good Food—Not High Grade", together with the further statement, "Water Pack Partially Pitted Red Sour Cherries."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20997. Misbranding of cottonseed screenings. U. S. v. Terminal Oil Mill Co. Plea of guilty. Fine, \$1 and costs. (F. & D. no. 29471. I. S. no. 47491.)**

This case was based on an interstate shipment of cottonseed screenings that contained less protein and more fiber than declared in the labeling.

On April 4, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Terminal Oil Mill Co., a corporation, Oklahoma City, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 12, 1932, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed screenings that were misbranded. The article was labeled in part: "'Tomco Prime' Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43% \* \* \* Crude Fibre, not more than 12% \* \* \* Manufactured by Terminal Oil Mill Co., Oklahoma City, Oklahoma."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed analysis protein, not less than 43% \* \* \* Crude fibre, not more than 12%", borne on the tag, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein, and more than 12 percent of crude fiber.

On May 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20998. Adulteration of dates. U. S. v. Capitol Candied Nuts, Inc. Plea of guilty. Fine, \$50. Sentence suspended. (F. & D. no. 29398. I. S. no. 31701.)**

This case was based on an interstate shipment of dates in which approximately 21 percent of those examined showed evidence of insect infestation.

On January 24, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Capitol Candied Nuts, Inc., a corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 9, 1931, from the State of New York into the State of Colorado, of a quantity of dates that were adulterated. The



article was labeled in part: "Kapitol \* \* \* Imported Dates Capitol Candied Nuts Inc."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy vegetable and animal substance, due to insect infestation and dead insects contained therein.

On March 23, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50, which fine was suspended.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20999. Adulteration of canned salmon. U. S. v. Wrangell Packing Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29404. I. S. nos. 11580, 11581.)**

This case was based on an interstate shipment of canned salmon that was in part decomposed.

On March 6, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wrangell Packing Corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 2, 1931, from Alaska into the State of Washington and subsequently from the State of Washington into the State of California, of a quantity of canned salmon that was adulterated. The article was labeled in part: "Palace Brand Alaska Pink Salmon \* \* \* Haas Brothers, Distributors, San Francisco-Fresno."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On April 19, 1933, the defendant company, through its secretary, withdrew a plea of not guilty and entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**21000. Adulteration of apples. U. S. v. 852 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30009. Sample no. 28093-A.)**

This case involved an interstate shipment of apples which were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On February 27, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 852 boxes of apples at Denver, Colo., consigned by F. W. Shields Co., Yakima, Wash., alleging that the article had been shipped in interstate commerce, on or about February 2, 1933, from Yakima, Wash., to Denver, Colo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On March 10, 1933, the Lloyd Garretson Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

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figs.....	20695	United Growers Association.....	20486
California Prune & Apricot Growers Assoc.: apples, dried.....	20118	United Growers Assn. Co.....	20465
Calumet Products Co.: butter.....	20868	Western Vegetable Distributors.....	20328, 20415, 20430, 20442, 20471, 20472
Camenisch, C. J.: butter.....	20970	Young, I. M.....	20448
Campbell, A. C.; apples.....	20607	Young, I. M., & Co.....	20449
Candy. See Confectionery.		Cavalcante, F. Rizzo di: oil, cooking and table.....	20114, 20543
Capitol Candied Nuts, Inc.: dates.....	20998	C. C. Co.: shrimp, canned.....	20542
Caramels. See Confectionery.		C. D. Co.: tomato puree.....	20540
Caraway seed. See Spices.		Celery: Garin, H. P., Co.....	20692, 20823
Carlson-Frink Co.: butter.....	20832	Guadalupe Produce Co.....	20966
Carlson, Thor: herring.....	20245	Naruto, Frank, & Co.....	20680
Carolina Flour Mills: feed.....	20289	Randolph Marketing Co.....	20807
Case, R. M.: cauliflower.....	20429	Sanford-Oviedo Truck Growers, Inc.....	20073
Cashmere Fruit Growers Union: apples.....	20851	Starkey, S. H.....	20844
Cashmere Pioneer Growers, Inc.: apples.....	20857	Union Produce Co.....	20796
Catz American Co., Inc.: caraway seed.....	20240, 20546	United Grocers Association.....	20480
mustard seed.....	20243, 20283	Celery seed. See Spices.	
Cauliflower: Bourk-Donaldson-Taylor, Inc.....	20343	Celery Vale Farms: cauliflower.....	20507
Buchak, A.....	20412	Centralia Dairy Co.: butter.....	20139
Burton Produce Co.....	20520	Century Milling Co.: flour, rye.....	20286, 20347
Case, R. M.....	20429	Challenge Cream & Butter Assoc.: butter.....	20850
Celery Vale Farms.....	20507	Chamberlain, F. B., Co.: feed, chick.....	20458
Di Giacomo, James.....	20406	Cheese. See Dairy products.	
Di Giacomo, John.....	20439	Cherries: Cratsley, Geo.....	20116
Fort, Z. J., Produce Co.....	20335, 20473, 20514	Sutterlein, Albert.....	20150
Fustino, Joseph.....	20435	Wickham, Wm., & Son.....	20028
Gerrard, S. A., Co.....	20490	canned: Colorado Packing Plant.....	20045
		Great Lakes Fruit Industries.....	20527
		Kuner Pickle Co.....	20126
		Morey Mercantile Co.....	20801
		Onekama Canning Co.....	20527
		Orrtanna Canning Co.....	20641, 20996
		Otoe Food Products Co.....	20060
		Symms Grocer Co.....	20045
		Webster Canning & Preserving Co.....	20409, 20483
		dried: California Dried Fruit & Nut Co.....	20536
		Fusco, J.....	20108

<sup>1</sup> Contains an opinion of the court.

Chester Creamery Co.: butter.....	N. J. no. 20541
Chetek Equity Cooperative Produce Co.: potatoes.....	20652
Chewing gum: Fruit chews: Fruiti-Chews: Eptsein, S. S.....	20223
Chickasha Cotton Oil Co.: cottonseed products.....	20063, 20983
Chickens, dressed: Jerome Cooperative Creamery.....	20495
<i>See also Poultry.</i>	
Chinook Packing Co.: salmon, canned.....	20314
Choctaw Sales Co.: cottonseed meal.....	20795
Christian Mills, Inc.: flour, rye.....	20184
Christians, H. C., Co.: butter.....	20136, 20603
Christy, C. A.: oysters.....	20710
Christy, Geo. A., & Son: oysters.....	20710
Cincinnati Wholesale Grocery Co.: tomato catsup.....	20485
Citrus fruit juices. <i>See</i> Beverages and beverage bases.	
Clam nectar. <i>See</i> Shellfish.	
Clams. <i>See</i> Shellfish.	
Claypool & Hazel: apples, dried.....	20772
Clayton, J. M., Co.: crab meat.....	20085, 20549
Cleveland, Ira: pears.....	20665
Coffee: Maury-Cole Co.....	20218
Cole Camp Creamery: butter.....	20249
Cole, David, Creamery Co.: butter.....	20182
Collins, C. C., Co.: walnuts.....	20625
Colorado Packing Plant: cherries, canned.....	20045
Columbian Peanut Co.: peanuts.....	20500
Confectionery: Mars, Inc.....	20771
caramels, chocolate-covered: Belle Mead Sweets, Inc.....	20821
marshmallow candy: Brock Candy Co.....	20120
National Candy Co., Inc.....	20119
peanut clusters, chocolate-covered: Darrow & Rudden.....	20716
toffee: McGregor Toffee Co.....	20709
Coriander seed. <i>See</i> Spices.	
Corn, canned:	
Iowa Canning Co.....	20148
Marshall Canning Co.....	20177
Otoe Food Products Co.....	20060
flour: Scott County Milling Co.....	20452

Corn, canned—Continued. meal:	N. J. no.
Gwinn Milling Co.....	20198
cream meal: Fowler Commission Co.....	20955
Scott County Milling Co.....	20452
Williams, P. P., Co.....	20955
pearl meal: Fowler Commission Co.....	20955
Williams, P. P., Co.....	20955
Coston Co., Inc.: crab meat.....	20307
Cottonseed cake. <i>See</i> Feed, cottonseed products.	
and meal. <i>See</i> Feed, cottonseed products. screenings. <i>See</i> Feed, cottonseed products.	
Coulbourne & Jewett: crab meat.....	20076
Couque, J., & Cie: flavors (household).....	20782
Crab meat. <i>See</i> Shellfish.	
Craig, William, Canning Co.: tomato catsup.....	20276
Cratsley, George: cherries.....	20116
Cream meal. <i>See</i> Corn meal.	
Creighton Cooperative Creamery Co.: butter.....	20875
Crete Mills: shorts, wheat gray.....	20624
Cudahy Packing Co.: butter.....	20959
Cumin seed. <i>See</i> Spices.	
Cunningham, A. O.: sirup, cane.....	20297
Currants: Baldwin, A. D.....	20094
Bransky, S. H.....	20103
Hitchcock, Alice.....	20482
Jochem Bros.....	20087
Northern Fruit Co.....	20092, 20188
Seymour, Joe.....	20188
Wark, W. H.....	20093
Currie Canning Co.: tomato catsup.....	20401
Cushing Creamery Co.: butter.....	20024
Dairy products: butter:	
Adrian Creamery.....	20250
Ainsworth Farmers Cooperative Creamery Co.....	20062
Akron Creamery Co.....	20288, 20661
Almena Creamery.....	20189
Almond Cooperative Creamery Co.....	20715
American Produce Co.....	20712
American Stores Co.....	20195
Amery Cooperative Creamery.....	20280
Amery Cooperative Creamery Assoc.....	20191
Aneta Creamery & Produce Co.....	20719
Apple River & Beaver Creamery Co.....	20191
Armour Creameries.....	20064, 20677
Aro Creamery Co.....	20325
Arrow Creamery Co.....	20499
Augusta Dairy Products Co.....	20104
B. A. C. Dairy.....	20032, 20805



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## butter—continued.

N. J. no.

Bagley Creamery.....	20609
Barron Cooperative Creamery.....	20002
Beatrice Creamery Co.....	20146
Beaver Valley Creamery.....	20067
Becker, W. F.....	20528
Bitter Root Creamery.....	20830
Blockton Creamery Co.....	20230
Borden Produce Co., Inc.....	20211
Borden's Produce Co., Inc.....	20350
Bradley, P. J.....	20144
Bridgewater Creamery Co.....	20234, 20760
Briggs Dairy Products Co.....	20827
Brooklawn Creamery Co.....	20713
Calumet Products Co.....	20868
Carlson-Frink Co.....	20832
Centralia Dairy Co.....	<sup>1</sup> 20139
Challenge Cream & Butter Association.....	20850
Chester Creamery Co.....	20541
Christians, H. C., Co.....	20136, 20603
Cole Camp Creamery.....	20249
Cole, David, Creamery Co.....	20182
Creighton Cooperative Creamery Co.....	20875
Cudahy Packing Co.....	20959
Cushing Creamery Co.....	20024
Dallas Creamery Co.....	20002
Delta Milk Producers Association.....	20135
De Soto Creamery.....	20528
Dickinson Creamery Co.....	20502
Dixie Maid Creamery.....	20868
Earl Creamery.....	20138
Emerald Cooperative Creamery Assoc.....	20199
Enterprise City Creamery.....	20144
Escalante Ice Cream Co.....	20443
Farmers Cooperative Butter & Cheese Association.....	20476
Farmers Cooperative Creamery.....	20752
Farmers Cooperative Creamery Assoc.....	20541
Farmers Cooperative Creamery Co.....	20031
Farmers Equity Cooperative Creamery Association.....	20292
Farmers Equity Creamery.....	20292
Farmers Union Cooperative Creamery Co.....	20639, 20678
Fox, Peter, Sons Co.....	20333
Frye & Co.....	20492, 20773
Gooding Cooperative Creamery Assoc.....	20850
Grinstead, S. H., Co.....	20526
Groveport Creamery Co.....	20817
Guthrie, G. T.....	20325
Hanson & Ford.....	20001
Harding Cream Co.....	20683
Harms Creamery Co.....	20057
Harrow-Taylor Butter Co.....	20539
Hartford Creamery Co.....	20228
Hawkeye Creamery.....	20974
Hopkinton Creamery Co.....	20099
Hustler Farmers Creamery Co.....	20058
Idaho Dairy Products Co.....	20402
Iowa State Brand Creameries.....	20088
Iowa Creamery Co.....	20233
Iowa State Brand Creameries.....	20088
Jefferson Creamery.....	20187
Jo Mar Dairies.....	20683
Kedney Warehouse Co.....	20873

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N. J. no.

Kimball Creamery Co.....	20200
Klock, T. B., & Co.....	20238
Korter, W. L.....	20402
La Farge Creamery & Cheese Co.....	20056
Lakota Creamery Co.....	20873
Lisbon Cooperative Creamery Co.....	20682
Loehndorf, H. C.....	20609
Lortin Farms Creamery.....	20756
Lortin Farms, Loring & Martin.....	20034
Manchester Creamery Association.....	20869
Mandan Creamery Co.....	20436
Mandan Creamery & Produce Co.....	20098
Martin, J. K.....	20756
McIlhaney Creamery.....	20231
McKean County Creamery.....	20317
Michalak, Vincent.....	20144
Minnesota Creamery Co.....	20979
Mitchell, Albert.....	20719
Model Creamery Co.....	20315
Morrell, John, & Co.....	20685
Moscow Creamery.....	20402
Mossing, H. P.....	20524
Mount Angel Cooperative Creamery.....	20101, 20819
Mountain States Creamery.....	20441
Mutual Creamery Co.....	20663
Nebraska Cooperative Creameries, Inc.....	20875
Nelson, A. J.....	20609
Nelson-Ricks Creamery.....	20459, 20704, 20959
Nielsen, H. P.....	20129
North American Creameries, Inc.....	20235, 20425, 20829
North Idaho Cooperative Creamery.....	20025
Northwest Dairy Forwarding Co.....	20232
North Western Dairy Forwarding Co.....	20697
Orchard Alfalfa Cooperative Creamery.....	20706
Pearsall, B. S., Butter Co.....	20033
Pend d'Oreille Creamery Co.....	20467
Pettibone Creamery Co.....	20181
Phillips-Trawick Co.....	20350
Plains Cooperative, Inc.....	20281
Pogatchnik, A. J.....	20024
Producers Creamery Co.....	20197
Red 73 Creamery, Inc.....	20816
Rock County Creamery Co.....	20213
R. & R. Purity Dairy Co.....	20697
Russell Corners Creamery Co.....	20104
Sander, John, Inc.....	20759
Schulze, Paul A., Co.....	20066, 20833
Sebeka Cooperative Creamery.....	20226
Sheldon Creamery Co.....	20227
Sjoberg, Alfred.....	20760
Smith's Creamery.....	20025
Snider Dairy & Produce Co.....	20117
Springfield Creamery Co., Inc.....	20479
Spur Creamery.....	20872
Stanford Creamery Co.....	20970
Stewartville Cooperative Creamery Association.....	20603
Strawberry Point Farmers Creamery Association.....	20194
Sugar Creek Creamery Co.....	20284, 20306, 20320, 20481, 20761, 20784
Sunburg Cooperative Creamery.....	20232

<sup>1</sup> Contains an opinion of the court.

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butter—continued.	N. J. no.
Swift & Co. ....	20012, 20070, 20074, 20122, 20631, 20638, 20719, 20721, 20975
Taylor Falls Creamery Co. ....	20280, 20681
Trout Brook Creamery Co. ....	20052
Union Produce Co. ....	20133
Valle, Ben, Co. ....	20713
Valley Creamery, Ltd. ....	20011, 20450
Valley Dairy Co., Inc. ....	20011
Waterville Creamery Co. ....	20820
Watervliet Cooperative Creamery As- sociation. ....	20759
Watervliet Creamery Co. ....	20071
Wauzeka Creamery Co. ....	20061
Western Creamery Co. ....	20348, 20544, 20601
Western Meat Co. ....	20632
Westport Cooperative Creamery Asso- ciation. ....	20837
Whitehall Creamery Association. ....	20644
Wilcox Produce, Inc. ....	20176
Winthrop Cooperative Creamery As- sociation. ....	20836
Woerlein, G. W. ....	20817
Yerington Creamery. ....	20003
cheese:	
Armour Creameries Co. ....	20494
Arn & Zweifel Co. ....	20794
Borden Sales Co., Inc. ....	20701
Ellisburg Cheese Factory. ....	20142
Fitzgerald & Son. ....	20030
Fitzgerald, M., & Son. ....	20809
Frink Creamery Co. ....	20513
Hammond, G. H., Co. ....	20978
Pauly & Pauly. ....	20676
Wuethrich Bros. ....	20978
Swiss:	
Abplanalp Co. ....	20510
Armour Creameries Co. ....	20494
Dorman, N., & Co. ....	20510
Kraft-Phenix Cheese Corporation. ....	20788
Marty, Carl. ....	20509
Triangle Cheese Co. ....	20799
Dallas Creamery Co.:	
butter. ....	20002
Dan Valley Mills:	
shipstuff. ....	20686
Darrow, Louise:	
candy. ....	20716
Darrow & Rudden:	
candy. ....	20716
Dates:	
Capitol Candied Nuts, Inc. ....	20998
De Leon Peanut Co.:	
peanut meal. ....	20684
Delta Milk Producers Association:	
butter. ....	20135
De Martini, L., Supply Co.:	
walnut meats. ....	20965
Demmert Packing Co.:	
salmon, canned. ....	20210
Denison, H. N. S., Co.:	
apples. ....	20440
Denison, H. S., & Co.:	
apples. ....	20860

De Soto Canning Co.:	N. J. no.
grapefruit juice. ....	20294
De Soto Creamery:	
butter. ....	20528
Devitt & Sons:	
shrimp, canned. ....	20324
Dickey & Tibbetts:	
blueberries. ....	20017
Dickinson Creamery Co.:	
butter. ....	20502
DiGiacomo, James:	
cauliflower. ....	20406
DiGiacomo, John:	
cauliflower. ....	20439
Dixie Maid Creamery:	
butter. ....	20868
Dorgan-McPhillips Packing Corporation:	
shrimp, canned. ....	20145, 20497, 20762
Dorman, N., & Co.:	
cheese. ....	20510
Dremon, Frank:	
apples. ....	20256
Duluth Superior Milling Co.:	
flour, rye. ....	20623
Dykstra & Sons:	
apples. ....	20268
Dyson Shipping Co.:	
preserves. ....	20793
Eagle Roller Mills Co.:	
flour, rye. ....	20286
Earl Creamery:	
butter. ....	20138
East Coast Preserving Co.:	
jam. ....	20547
preserves. ....	20547
East St. Louis Cotton Oil Co.:	
cottonseed products. ....	20063, 20795
Ege, R.:	
bluefins. ....	20196
Egg, powdered:	
Kraft-Phenix Cheese Corporation. ....	20668
Egg yolk, dried:	
Paterson, Boardman & Knapp. ....	20149
frozen:	
Hollywood Creamery Co. ....	20349
Eggrowhite:	
International Co. ....	20534
Long, S. N., Warehouse Co. ....	20534
Eggs:	
Eschenbrenner & Co. ....	20147
Hand, G. H. ....	20835
Manning, L. N. ....	20220
McLeish, J. H., & Co. ....	20611
Morse, E. C. ....	20147
Morse, E. G., Co. ....	20026
Santa Ana Poultry & Egg Co. ....	20021
Vilas Co. ....	20220
frozen:	
American Albumen Corporation. ....	20651
Emulsol Corporation. ....	20221
Fairmont Creamery Co. ....	20848
Friedman, Miles, Inc. ....	20468, 20605
Kadane-Brown, Inc. ....	20651
Kraft-Phenix Cheese Corporation. ....	20818
Mid-West Ice & Cold Storage Co. ....	20102

<sup>1</sup> Contains an opinion of the court.



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frozen—continued.	N. J. no.
Morning Glory Creameries, Inc.....	20075
Omaha Cold Storage Co.....	20469
Ovson Egg Co.....	20023
Standard Brands, Inc.....	20069
Sunbeam Egg Co.....	20115
Swift & Co.....	20631
Terminals & Transportation Corpora- tion of America.....	20783
Werner Poultry Co.....	20718
Ellisburg Cheese Factory: cheese.....	20142
Ellson Packing Co.: salmon, canned.....	20241
El Paso Refining Co., Inc.: cottonseed cake.....	20278
Emerald Cooperative Creamery Assoc.: butter.....	20199
Emulsol Corporation: eggs, frozen.....	20221
Enterprise City Creamery: butter.....	20144
Epstein, S. S.: Fruit Chews.....	20223
Fruiti-Chews.....	20223
Escalante Ice Cream Co.: butter.....	20443
Eschenbrenner & Co.: eggs.....	20147
Enfaula Cotton Oil Co.: cottonseed screenings.....	20768
Evans, David G., Coffee Co.: caraway seed.....	20248
Fairmont Creamery Co.: eggs, frozen.....	20848
Fame Canning Co: tomato catsup.....	20811
Farmers Cooperative Butter & Cheese Asso- ciation: butter.....	20476
Farmers Cooperative Creamery: butter.....	20752
Farmers Cooperative Creamery Assoc.: butter.....	20541
Farmers Cooperative Creamery Co.: butter.....	20031
Farmers Equity Cooperative Creamery Association: butter.....	20292
Farmers Equity Creamery: butter.....	20292
Farmers Union Cooperative Creamery Co.: butter.....	20639, 20678
Farnsworth & Ruggles: figs.....	20703
Faulkner, A. N., & Co.: crab meat.....	20082
Favoloro, F. G., Sons, Inc.: tomato paste.....	20538
Federal Fruit Distributors: grapes, dried.....	20778
Feed: chick: Chamberlain, F. B., Co.....	20458
Ridenour-Baker Grocery Co.....	20458

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cottonseed products:	N. J. no.
Chickasha Cotton Oil Co.....	20063, 20983
Choctaw Sales Co.....	20795
East St. Louis Cotton Oil Co.....	20063, 20795
El Paso Refining Co., Inc.....	20278
Enfaula Cotton Oil Co.....	20768
Forrest City Cotton Oil Mill.....	20063
Greenville Cotton Oil Co.....	20812
Independent Cotton Oil Co. of Wag- oner.....	20202
Pine Bluff Cotton Oil Mill.....	20795
Rome Oil Mill, Inc.....	20293
Southland Cotton Oil Co.....	20962
Superior Cake & Meal Co.....	20812
Terminal Oil Mill Co.....	20993, 20997
Texas Refining Co.....	20674
hog and cow: Caroline Flour Mills.....	20289
Shenandoah Milling Co., Inc.....	20289
hominy: Allen & Wheeler Co.....	20770
mixed: Shenandoah Milling Co., Inc.....	20289
oats, barley mixed: Anderson, E. E.....	20973
peanut meal: De Leon Peanut Co.....	20684
rabbit: Fernando Valley Milling & Supply Co.....	20332
wheat middlings: Gwinn Milling Co.....	20198
flour middlings: Hanley Milling Co.....	20642
with screenings: Gwinn Milling Co.....	20198, 20208
shipstuf: Dan Valley Mills.....	20686
shipstuf with screenings: Shenandoah Milling Co., Inc.....	20207
shorts, brown: Model Mill Co.....	20708
shorts, gray: Crete Mills.....	20624
shorts, gray, with screenings: Blair Milling Co.....	20106
Humboldt Milling Co.....	20754
Kansas Mill & Elevator Co.....	20044
Neosho Milling Co.....	20657
Rea-Patterson Milling Co.....	20671
Fernando Valley Milling & Supply Co.: feed, rabbit.....	20332
Fialla & Eppler, Inc.: fountain fruit sirups.....	20050
Figs: American Factors, Ltd.....	20956
California Dried Fruit & Nut Co.....	20695
Farnsworth & Ruggles.....	20703
Ghianda, A.....	20054, 20714
Giebelers Fig Gardens.....	20634, 20703
Giebelers, H. J.....	20634
Kalajian, Charles.....	20981
Koligian Bros.....	20981
Otzen Packing Co.....	20140, 20646
Vagim Packing Co.....	20096

<sup>1</sup> Contains instructions to the jury and an opinion of the court.

Fine, Morris:	N. J. no.
apples.....	20259
First National Stores:	
tomatoes, canned.....	20345
Fish:	
blackflns, frozen:	
Lessard, James.....	20854
bluefins:	
Ege, R.....	20196
Hogstad Fish Co.....	20047
Hogstad, L. P.....	20420
Johnson, Sam, & Son's Fisheries, Inc.....	20048, 20408, 20417
North Superior Cooperative Fisheries, Inc.....	20420
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herring:	
Carlson, Thor.....	20245
Mickelsen, H.....	20222
dressed:	
Hogstad Fish Co.....	20444
Hogstad, L. P.....	20444
North Superior Cooperative Fisheries, Inc.....	20444
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salmon, canned:	
Alaska Salmon Co.....	20342, 20767, 20969
Alaska Year Round Canneries.....	20089
Altoona Packing Co.....	20205
Bayview Packing Co.....	20206
Bristol Bay Packing Co.....	20330, 20626, 20767
Buelow, C. F., Co.....	20512, 20521, 20612, 20613, 20621, 20672, 20980
Burrington, Casa & Gibson.....	20619
Chinook Packing Co.....	20314
Demmert Packing Co.....	20210
Ellson Packing Co.....	20241
Fishermen's Packing Corporation.....	20619, 20689
Gosse, F. A., Co.....	20341, 20533, 20753
Haas Bros.....	20999
Halferty, G. P.....	20124
Hamlin, E. H., Co.....	20813
Harris, P. E., & Co.....	20777
Independent Salmon Canneries, Inc.....	20653
Iwersen, Ingolfur.....	20433
Iwersen Packing Co.....	20433
Kadiak Fisheries Co.....	20496
Ketchikan Packing Co.....	20990
Libby, McNeill & Libby.....	20049, 20059, 20340, 20618, 20765, 20780, 20852, 20951, 20991
McGovern & McGovern.....	20405, 20407, 20410, 20414, 20416, 20422, 20427, 20453, 20475, 20487, 20488, 20617, 20628, 20707, 20722, 20798
New England Fish Co.....	20474, 20777
Oceanic Sales Co.....	20455, 20622, 20633, 20702, 20789
Peratovich, R. J.....	20206, 20673
Pioneer Packing Co.....	20346
Pioneer Sea Foods Co.....	20530
Shepard Point Packing Co.....	20246, 20489, 20798
Skowl Arm Packing Co.....	20329
Standard Packing Co.....	20336, 20489

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salmon, canned—continued.	N. J. no.
Superior Packing Co.....	20186, 20301, 20493
West Sales, Inc.....	20813
Wrangell Packing Corporation.....	20214, 20999
sardines, canned:	
Van Camp Sea Food Co., Inc.....	20766
tullibees:	
Atlantic Coast Fisheries.....	20091
Booth Fisheries Co.....	20828
Brewster, Harry.....	20847
Fulton Market & Refrigerator Co.....	20091
Manitoba Cold Storage Co.....	20810
Newmiller, John.....	20861
Parker, F.....	20845
Ringling, Fred.....	20862
Squires, T. S.....	20863
Zippel, Art.....	20831
frozen:	
Warroad Fish Co.....	20846
Fishermen's Packing Corporation:	
salmon, canned.....	20619, 20689
Fitzgerald & Son:	
cheese.....	20030
Fitzgerald, M., & Son:	
cheese.....	20809
Flavors (household):	
lemon:	
Couque, J., & Cie.....	20782
General Sales Co.....	20782
Tyler, S. H., & Son.....	20319
orange:	
Jones, H. L., Co.....	20545
vanilla:	
American Stores Co.....	20323
Atlanta Supply Co.....	20849
Couque, J., & Cie.....	20782
General Sales Co.....	20782
Florida Citrus Products Corporation:	
grapefruit juice.....	20322
orange juice.....	20322
Florida Fruit Canners, Inc:	
citrus fruit juices, blended.....	20484
Floriorange Canneries, Inc:	
orange juice.....	20529
Flour:	
Atkinson Milling Co.....	20723
Gwinn Milling Co.....	20198
Lakeview Milling Co.....	20331
Scott County Milling Co.....	20452
Shenandoah Milling Co. Inc.....	20289
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rye:	
Century Milling Co.....	20286, 20347
Christian Mills, Inc.....	20184
Duluth Superior Milling Co.....	20623
Eagle Roller Mills Co.....	20286
Fritch, D. D., Milling Co.....	20700
Washburn Crosby Co.....	20669
Wisconsin Milling Co.....	20302
Forrest City Cotton Oil Mill:	
cottonseed screenings.....	20063
Fort, Z. J., Produce Co.:	
cauliflower.....	20335, 20473, 20514

1 Contains an opinion of the court.



Fountain fruit sirups. <i>See</i> Beverages and beverage bases.		
Fowler Commission Co.:	N. J. no.	
meal, cream.....	20955	
pearl.....	20955	
Fox, Peter, Sons Co.:		
butter.....	20333	
Fraering Brokerage Co.:		
tomato catsup.....	20318	
Frank Pure Food Co.:		
sauerkraut, canned.....	20095	
juice.....	20095	
Fredonia Salsina Canning Co., Inc.:		
raspberries, canned.....	20840	
French, R. T., Co.:		
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cumin seed.....	20077	
mustard seed.....	20077	
Frey, C. B.:		
crab meat.....	20086	
Frey & Son:		
tomato catsup.....	20630	
puree.....	20143	
Friedman, Miles, Inc.:		
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Frink Creamery Co.:		
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Fritch, D. D., Milling Co.:		
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Fruit chews. <i>See</i> Chewing gum.		
Fruiti-Chews. <i>See</i> Chewing gum.		
Frye & Co.:		
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Fulton Market & Refrigerator Co.:		
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Fusco, J.:		
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Fustino, Joseph:		
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Garin, H. P., Co.:		
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Garver, James:		
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Gebroeders, N. V., Catz Handelsvereniging:		
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Geisdervet & Vermeys:		
poppy seed.....	20236	
General Nut Co.:		
walnut meats.....	20724	
General Sales Co.:		
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vanilla.....	20782	
Gerrard, S. A., Co.:		
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Ghianda, A.:		
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Giacovelli, Leonard:		
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Giebler's Fig Gardens:		
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Gieblers, H. J.:		
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Gilbert Apple Products Co.:		
apple pomace.....	20871	
Githens, Rexsamer & Co.:		
tomato puree.....	20111	
Glorioso, A.:	N. J. no.	
tomato paste.....	20105, 20337, 20615	
Gooding Cooperative Creamery Association:		
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Gosse, F. A., Co.:		
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Gott, E. B.:		
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Gould, L. E.:		
blueberries.....	20006	
Grace, W. R., & Co.:		
Brazil nuts.....	20667	
Graham Co., Inc.:		
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Grand Caillou Packing Co., Inc.:		
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Grape concentrate. <i>See</i> Beverages and beverage bases.		
Grapes, dried:		
Bonner Packing Co.....	20952	
Federal Fruit Distributors.....	20778	
National Grocery Co.....	20778	
Rosenberg Bros. & Co.....	20125	
Severini, Luigi.....	20128, 20992	
Vitti, Vito.....	20128, 20992	
Great Atlantic & Pacific Tea Co.:		
caraway seed.....	20535	
Great Lakes Fruit Industries:		
cherries, canned.....	20527	
Greenabaum Bros., Inc.:		
tomato catsup.....	20630	
Greenville Cotton Oil Co.:		
cottonseed meal.....	20812	
Greinoman, S. G.:		
vanilla flavor.....	20849	
Grindle, E. L.:		
blueberries.....	20007	
Grinstead, S. H., Co.:		
butter.....	20526	
Groveport Creamery Co.:		
butter.....	20817	
Guadalupe Produce Co.:		
celery.....	20966	
Guarino, Sam:		
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Guggenhime & Co.:		
prunes.....	20010	
Guilford, P. S.:		
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Guilford Packing Co.:		
clam nectar.....	20989	
clams, canned.....	20446	
Gulf Foods, Inc.:		
shrimp, canned.....	20658	
Guthrie, G. T.:		
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Gwinn Milling Co.:		
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middlings.....	20198	
with screenings.....	20198, 20208	
Haas Bros.:		
clams, canned.....	20446	
salmon, canned.....	20999	

<sup>1</sup> Contains instructions to the jury.

Habicht Braun Co.: caraway seed.....	N. J. no. 20183	Hill & Son: apples.....	N. J. no. 20273
Haddaway, Alex.: crab meat.....	20083, 20550	Hillegonds, H. J., & Sons: apples.....	20253
Hale, A. S.: apples.....	20313	Hitchcock, Alice: currants.....	20482
Hale, J. C.: apples.....	20987	Hodgman, Neil: apples.....	20266
Halferty, G. P.: salmon, canned.....	20124	Hogstad Fish Co.: bluefins.....	20047
Hamilton, William: apples.....	20501	herring, dressed.....	20444
Hamlin, E. H., Co.: salmon, canned.....	<sup>1</sup> 20813	Hogstad, L. P.: bluefins.....	20420
Hamlin, John: apples.....	20260	herring, dressed.....	20444
Hamlin, William: apples.....	20404, 20787	Hollywood Creamery Co.: egg yolk, frozen.....	20349
Hammond, G. H., Co.: cheese.....	20978	Holtzinger, C. M., Fruit Co.: apples.....	20699
Hams: Memphis Packing Corporation.....	20720	Hominy, canned: Marshall Canning Co.....	20177, 20178
Hand, G. H.: eggs.....	20835	feed. <i>See</i> Feed.	
Hanley Milling Co.: flour middlings.....	20642	Honey: Sherfick's Farm & Floral Products....	20785
Hansen & Choate Products Co. <i>See</i> Hanson & Choate Products Co.		Hopkinton Creamery Co.: butter.....	20099
Hanson & Choate Products Co.: orange juice.....	20797, 20968	Huber, Carl: loganberry juice.....	20508
Hanson & Ford: butter.....	20001	Hudson Tea & Spice Co.: pepper.....	20299, 20627
Harbor City Canning Co.: tomatoes, canned.....	20815	spices, pickling.....	20287
Harding Cream Co.: butter.....	20683	Humboldt Milling Co.: shorts, gray, and screenings.....	20754
Harms Creamery Co.: butter.....	20057	Hunt Bros. Packing Co.: jelly.....	20758
Harris, A. B.: crab meat.....	20084	Hunt, P. K., & Son: crab meat.....	20304
Harris, P. E., & Co.: salmon, canned.....	20777	Hurme, John: blueberries.....	20038
Harrow-Taylor Butter Co.: butter.....	20539	Hustler Farmers Creamery Co.: butter.....	20058
Hartford Creamery Co.: butter.....	20228	Idaho Dairy Products Co.: butter.....	20402
Harting, Mrs. G. L.: preserves.....	20053	Idaho Egg Producers: poultry, dressed.....	20988
Hartner Produce Co.: cauliflower.....	20338, 20428, 20454, 20614	Independent Cotton Oil Co. of Wagoner: cottonseed cake and meal.....	20202
Hawkeye Creamery: butter.....	20974	Independent Fruit Co.: apples.....	20986
Haxton Canning Co.: tomato puree.....	20111, 20141, 20540	Independent Fruit Shippers: apples.....	20864, 20964
Haxton, George W., & Son, Inc.: apples.....	20693	Independent Grocers Alliance Distributing Co.: jelly.....	20982
Hazlehurst Canning Co., Inc.: tomatoes, canned.....	20132	preserves.....	20982
Heinlen, C. L., Co.: pears.....	20339	Independent Salmon Canneries, Inc.: salmon, canned.....	20653
Herring. <i>See</i> Fish.		International Co.: Eggrowwhite.....	20534
Higgins, J. R.: blueberries.....	20190	International Fruit Distributors: apples.....	20838
Hill, Peter: blueberries.....	20040	Iowa Canning Co.: corn, canned.....	20148

<sup>1</sup> Contains an opinion of the court.



Iowa Creamery Co.:	N. J. no.	Kaplan, B. W.:	N. J. no.
butter.....	20233	mustard.....	20204
Iowa State Brand Creameries:		vinegar.....	20204
butter.....	20088	Kedney Warehouse Co.:	
Irwin-Harrison-Whitney, Inc.:		butter.....	20873
mustard seed.....	20078	Kelder Brokerage Co.:	
Italian Food Products Corporation of Amer-		apples.....	20403, 20843
ica:		Kelder, Otto:	
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Iwersen, Ingolfur:		Keller-Lorenz Co.:	
salmon, canned.....	20433	vinegar.....	20041
Iwersen Packing Co.:		Kempf, Mike:	
salmon, canned.....	20433	apples.....	20460
Jala, W. O.:		Kennedy, H. F.:	
blueberries.....	20013	apples.....	20608
Jam:		Kennett Canning Co.:	
East Coast Preserving Co.....	20547	mushrooms, canned.....	20020
Pacific Food Products Co.....	20477	Kerr Conserving Co.:	
Pantry Maide Products Co.....	20219	strawberry juice.....	20466
See also Peach butter; preserves.		Ketchikan Packing Co.:	
Jefferson Creamery:		salmon, canned.....	20990
butter.....	20187	Kimball Creamery Co.:	
Jelly:		butter.....	20200
Hunt Bros. Packing Co.....	20758	Kimmons, Walker & Co.:	
Independent Grocers Alliance Distrib-		apples, evaporated.....	20661
uting Co.....	20982	Klock, T. B., & Co.:	
Leghorn Food Products Corporation.....	20982	butter.....	20238
Musselman, C. H., Co.....	20296	Knapp, G. S.:	
Pacific Food Products Co.....	20477	egg yolk, dried.....	<sup>1</sup> 20149
Red Wing Co., Inc.....	29751	Knapp, G. W.:	
Tropical Preserving Co.....	20463	egg yolk, dried.....	<sup>1</sup> 20149
Jerome Cooperative Creamery:		Knickerbocker Mills:	
chickens, dressed.....	20495	marjoram.....	20209
Jerome Distributing Co., Inc.:		Kniebes, C. C.:	
apples.....	20964	apples.....	20423
Jett & Wood Mercantile Co.:		Kniebes, George:	
prunes, canned.....	20457	apples.....	20963
Jo Mar Dairies:		Koligian Bros.:	
butter.....	20683	figs.....	20981
Jochem Bros.:		Koligian, Hacho:	
currants.....	20087	figs.....	20981
Johns, H. L.:		Koligian, Minas:	
apples.....	20269	figs.....	20981
Johnson, H. A., Co.:		Koligian, Mugur:	
pineapple sirup.....	20806	figs.....	20981
raspberry sirup.....	20806	Koligian, Sarkis:	
Johnson, Sam, & Son's Fisheries, Inc.:		figs.....	20981
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Jones Bros. & Co., Inc.:		cauliflower.....	20411
vinegar.....	20532	Korter, W. L.:	
Jones, H. L., Co.:		butter.....	20402
flavor, orange.....	20545	Kraft-Phenix Cheese Corporation:	
Jones, L. B., & Son:		cheese.....	20788
apples.....	20418	eggs, frozen.....	20818
Jones, T. A.:		egg, powdered.....	20668
apples.....	20608	Kroemer, William:	
Kadane-Brown, Inc.:		cauliflower.....	20518
eggs, frozen.....	20651	Kuner Pickle Co.:	
Kadiak Fisheries Co.:		cherries, canned.....	20126
salmon, canned.....	20496	Ladd, C. C.:	
Kalajian, Charles:		blueberries.....	20039
figs.....	20981	La Farge Creamery & Cheese Co.:	
Kansas Mill & Elevator Co.:		butter.....	20056
shorts, gray, with screenings.....	20044	Lafbury, George, Co.:	
		potatoes.....	20027

<sup>1</sup> Contains an opinion of the court.

Lakeview Milling Co.: flour.....	N. J. no. 20331
Lakota Creamery Co.: butter.....	20873
Lallande, J. G.: tomato paste.....	20791
Lambert Marketing Co.: pears.....	20193, 20201, 20212
Laning, William, & Son Co.: pumpkin, canned.....	20610, 20690, 20803
Larrimore, W. C.: crab meat.....	20131, 20705
Leavitt, D. D.: cauliflower.....	20434
Leggett, Francis H., & Co., Inc.: tomato catsup.....	20635, 20654
Leghorn Food Products Corporation: jelly.....	20982
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Lemon flavor. <i>See</i> Flavors (household).	
Lessard, James: blackfins, frozen.....	20854
Levy & Levis Co., Inc.: caraway seed.....	20300
poppy seed.....	20042
Libby, McNeill & Libby: salmon, canned.....	20049, 20059, 20340, 20618, 20765, 20780, 20852, 20951, 20991
Lidell & Clarke, Inc.: strawberries, canned.....	20954
Lilly, Charles H., & Co.: peas, dried.....	20865
Lisbon Cooperative Creamery Co.: butter.....	20682
Llitas, Angel: tomato paste.....	20791
Loehndorf, H. C.: butter.....	20609
Logan blackberries. <i>See</i> Loganberries.	
Loganberries, frozen: Moffett, S. A., Co.....	20725
Loganberry juice. <i>See</i> Beverages and beverage bases.	
Long, F. P., & Co.: crab meat.....	20080, 20647
Long Island Produce & Fertilizer Co.: cauliflower.....	20432
Long, S. N., Warehouse Co.: Eggrowwhite.....	20534
Loockerman, C. A.: crab meat.....	20531
Loose Wiles Biscuit Co.: strawberry cream biscuits.....	20515
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Lopez, J. B., Sucs.: tomato paste.....	20337
Lortin Farms Creamery: butter.....	20756
Lortin Farms, Loring & Martin: butter.....	20034
Lotysh, E.: cauliflower.....	20461
Lowe, Joe, Corporation: banana concentrate.....	20650
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Lyman Bros.: apples.....	N. J. no. 20264
Macaroni. <i>See</i> Alimentary paste.	
Maclin, John G., Peanut Co.: peanuts.....	20517
MacPherson, M. E.: blueberries.....	20014
Majestic Paste Co.: noodles.....	20825
Manchester Creamery Association: butter.....	20869
Mandan Creamery Co. <i>See</i> Mandan Creamery & Produce Co.	
Mandan Creamery & Produce Co.: butter.....	20098, 20436
Manitoba Cold Storage Co.: tullibeas.....	<sup>1</sup> 20810
Manning, L. N.: eggs.....	20220
Maplelawn Orchards: blueberries.....	20004
Marjoram. <i>See</i> Spices.	
Marr, H. A., Grocery Co.: sirup, table.....	20498
Mars, Inc.: confectionery.....	20771
Marshall Canning Co.: asparagus, canned.....	20177, 20179
beans, canned.....	20177, 20178
corn, canned.....	20177
hominy, canned.....	20177, 20178
pumpkin, canned.....	20177
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Martin, J. K.: butter.....	20756
Marty, Carl: cheese.....	20509
Massenburg, J. O.: shrimp, canned.....	20620
Matson Co.: apples.....	20858
Maury-Cole Co.: coffee.....	20218
Mayer, Leon: walnut meats.....	20277
McCord Brady Co.: beans, canned.....	20629
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McGovern & McGovern: salmon, canned.....	20405, 20407, 20410, 20414, 20416, 20422, 20427, 20453, 20475, 20487, 20488, 20617, 20628, 20707, 20722, 20798.
McGregor Toffee Co.: confectionery.....	20709
McIlhaney Creamery: butter.....	20231
McKean County Creamery: butter.....	20317
McKittrick, C. L.: apples.....	20839
McLeish, J. H., & Co.: eggs.....	20611

<sup>1</sup> Contains an opinion of the court.



McMenamin & Co., Inc.: crab meat.....	N. J. no. 20522	Nassau Packing Co.: shrimp, canned.....	N. J. no. 20503, 20636, 20649, 20764
Memphis Packing Corporation: hams.....	20720	Nassau Sound Packing Co.: shrimp, canned.....	20503, 20636, 20649
Miall, C. M.: loganberry juice.....	20508	National Candy Co., Inc.: marshmallow candy.....	20119
Michalak, Vincent: butter.....	20144	National Fruit Canning Co.: prunes, canned.....	20046
Mickelsen, H.: herring.....	20222	National Grocers Sundries Co.: mustard.....	20204
Mid-West Food Packers, Inc.: mustard.....	20855, 20967, 20972	vinegar.....	20204
tomato catsup.....	20318, 20485	National Grocery Co.: grapes, dried.....	20778
Mid-West Ice & Cold Storage Co.: eggs, frozen.....	20102	National Pecan Marketing Assoc.: pecans.....	20525
Middlings. <i>See</i> Feed, wheat.		Natural Products Co.: orange fruit emulsion.....	20814
Minnesota Creamery Co.: butter.....	20979	Nebraska Cooperative Creameries, Inc.: butter.....	20875
Mitchell, Albert: butter.....	20719	Nelson, A. J.: butter.....	20609
Mitchell, John S., Inc.: tomato paste.....	20192	Nelson-Ricks Creamery: butter.....	20459, 20704, 20959
Model Creamery Co.: butter.....	20315	Neosho Milling Co.: shorts, wheat gray.....	20657
Model Mill Co.: shorts, wheat brown.....	20708	New England Fish Co.: salmon, canned.....	20474, 20777
Moellhausen, Rene: celery seed.....	20137	New Orleans Coffee Co., Ltd.: sirup, cane.....	20413
Moffett, S. A., Co.: loganberries, frozen.....	20725	Newmiller, John: tullibeas.....	20861
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Monitor Federated Growers: apples.....	20851	Nicolson, Bill: apples.....	20691
Morey Mercantile Co.: cherries, canned.....	20801	Nicolson, Will: apples.....	20271
Morning Glory Creameries, Inc.: eggs, frozen.....	20075	Nielsen, H. P.: butter.....	20129
Morrell, John, & Co.: butter.....	20685	Noodles. <i>See</i> Alimentary paste.	
Morse, E. C.: eggs.....	20147	North American Creameries, Inc.: butter.....	20235, 20425, 20829
Morse, E. G., Co.: eggs.....	20026	North East Preserving Works, Inc.: tomato puree.....	20853
Moscow Creamery: butter.....	20402	North Idaho Cooperative Creamery: butter.....	20025
Mossing, H. P.: butter.....	20524	North Superior Cooperative Fisheries, Inc.: bluefins.....	20420
Mount Angel Cooperative Creamery: butter.....	20101, 20819	herring, dressed.....	20444
Mountain States Creamery: butter.....	20441	North Western Forwarding Co.: butter.....	20697
Munson, Mrs. C. M.: apples.....	20255	Northern Fruit Co.: apples.....	20839
Mushrooms, canned: Kennett Canning Co.....	20020	currants.....	20092, 20188
Musselman, C. H. Co.: jelly.....	24296	Northwest Dairy Forwarding Co.: butter.....	20232
Mustard seed. <i>See</i> Spices.		Northwest Fruit Products Co.: loganberry juice.....	20508
Mutual Creamery Co.: butter.....	20663	Northwest, Inc.: loganberry juice.....	20508
Naas Corporation: tomato catsup.....	20769	Northwestern Fruit Exchange: apples.....	20506
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Naruto, Frank, & Co.: celery.....	20680	mixed: Graham Co., Inc.....	20675
Nash-Corrigan Co.: apples.....	20984		

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Columbian Peanut Co.....	20500
MacIn, John G., Peanut Co.....	20517
Planters Nut & Chocolate Co.....	20185
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Southern Edible Products Co.....	20516
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National Pecan Marketing Assoc.....	20525
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De Martini, L., Supply Co.....	20965
General Nut Co.....	20724
Mayer, Leon.....	20277
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Collins, C. C., Co.....	20625
Rosenberg Bros. & Co.....	20717
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Oceanic Sales Co.:	
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Cavalcante, F. Rizzo di.....	20114, 20543
Italian Food Products Corporation of America.....	20109, 20543
Southern Cotton Oil Co.....	20792
Wesson Oil & Snowdrift Sales Co.....	20792
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Giacovelli, Leonard.....	20285
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Old Dominion Tobacco Co.:	
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Old Virginia Packing Co.:	
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Olender, A., & Son:	
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Omaha Cold Storage Co.:	
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Orange juice. <i>See</i> Beverages and beverage bases. marmalade:	
Pantry Maide Products Co.....	20219
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Oregon Packing Co.:	
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Orlando Canning Co.:	
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Orrtanna Canning Co.:	
cherries, canned.....	20641, 20996
Otoe Food Products Co.:	
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cherries, canned.....	20060
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Otzen Packing Co.:	
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Overhiser, Chas.:	
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Oyson Egg Co.:	
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Ozark Canning Co.:	
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Pacific Cannery Sales Co.:	N. J. no.
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Pacific Food Products Co.:	
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Pacific Fruit & Produce Co.:	
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Pacific Manufacturing Co.:	
preserves.....	20793
Pacific Northwest Canning Co.:	
raspberries, canned.....	20953
Pacific Trading Co.:	
rice.....	20121
Packard, W. H.:	
apples, evaporated.....	20755
Paesana Packing Co.:	
tomato sauce.....	20216
Palumbo, J. C., Fruit Co.:	
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Pantry Maide Products Co.:	
apple butter.....	20219
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orange marmalade.....	20219
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Paragould Canning Co.:	
peaches, canned.....	20029
Parker, F.:	
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Paterson, Boardman & Knapp:	
egg yolk, dried.....	20149
Paulus Bros. Packing Co.:	
prunes, canned.....	20110
Pauly & Pauly:	
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Peach butter:	
Pacific Cannery Sales Co.....	20097
Peaches, canned:	
Paragould Canning Co.....	20029
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Peanut meal. <i>See</i> Feed.	
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Cleveland, Ira.....	20665
Heinlen, C. L., Co.....	20339
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Pearsall, B. S., Butter Co.:	
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Webster, G. L., Canning Co.....	20659, 20679
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Radford, J. M., Grocery Co.....	20305
Thrift Packing Co.....	20316
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Lilly, Charles H., & Co.....	20865
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1 Contains an opinion of the court.



Pelican Lake Oyster & Packing Co., Ltd.: N. J. no.		Preserves—Continued.	N. J. no.
shrimp, canned.....	20130	Old Dominion Tobacco Co.....	20053
Pend d'Oreille Creamery Co.:		Pacific Food Products Co.....	20477
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Pendleton, H. E.:		Pantry Maide Products Co.....	20219
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Peratovich, R. J.:		poultry, dressed.....	20616
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Perham Fruit Co.:		poultry, dressed.....	20616
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Pettibone Creamery Co.:		poultry, dressed.....	20616
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Pettit, Ivans:		poultry, dressed.....	20616
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Pfaff, E. H.:		butter.....	20197
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Phillips Packing Co., Inc.:		Guggenhime & Co.....	20010
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vegetables, mixed, canned.....	20113, 20656	Brown, J. S., Mercantile Co.....	20457
Phillips-Trawick Co.:		Jett & Wood Mercantile Co.....	20457
butter.....	20350	National Fruit Canning Co.....	20046
Pickles, dill:		Paulus Bros. Packing Co.....	20110
Southern Manufacturing Co.....	20224	Ranney-Davis Mercantile Co.....	20457
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Pimientos, canned:		Ray-Maling Co.....	20457
Sumter Packing Co., Inc.....	20655	Pryzlak, Edward:	
Pine Bluff Cotton Oil Mill:		cauliflower.....	20431
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Pineapple sirup. See Beverages and beverage bases.		Laning, William, & Son Co.....	20610, 20690, 20803
Pioneer Packing Co.:		Marshall Canning Co.....	20177
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Pioneer Sea Foods Co.:		Puyallup & Sumner Fruit Growers Assoc.:	
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Plains Cooperative, Inc.:		Quick & Harris Co.:	
butter.....	20281	apples.....	20604, 20711
Planters Nut & Chocolate Co.:		Rabbits:	
peanuts.....	20185	Ross & Co.....	20640
Pleasant Grove Canning Co.:		Radford, J. M., Grocery Co.:	
tomato puree.....	20112	beans, canned.....	20305
Pogatchnik, A. J.:		peas, black-eyed, canned.....	20305
butter.....	20024	vinegar.....	20237
Pomona Products Co.:		Randolph Marketing Co.:	
peaches, canned.....	20662	celery.....	20807
Poppy seed. See Spices.		Ranney-Davis Mercantile Co.:	
Potatoes:		prunes, canned.....	20457
Briggs, George, & Son.....	20239	Raspberries, canned:	
Chetek Equity Cooperative Produce Co.....	20652	Fredonia Salsina Canning Co. Inc.....	20840
Lafbury, George, Co.....	20027	Pacific Northwest Canning Co.....	20953
Poultry, dressed:		Raspberry sirup. See Beverages and beverage bases.	
Idaho Egg Producers.....	20988	Ray-Brown Co., Inc.:	
Jerome Cooperative Creamery.....	20495	prunes, canned.....	20523
Priest, F. M., & Sons.....	20616	Ray-Maling Co.:	
Pratt-Low Preserving Co.:		prunes, canned.....	20457
artichokes, canned.....	20995	strawberries, canned.....	20856, 20954
tomato paste.....	20791	Rea-Patterson Milling Co.:	
Prentice Packing & Cold Storage Co.:		shorts and screenings.....	20671
apples.....	20068	Red 73 Creamery, Inc.:	
Preserves:		butter.....	20810
Dyson Shipping Co.....	20793	Red & White Corporation:	
East Coast Preserving Co.....	20547	shrimp, canned.....	20308
Harting, Mrs. G. L.....	20053	Red Wing Co., Inc.:	
Independent Grocers Alliance Distributing Co.....	20982	jelly.....	20751
Leghorn Food Products Corp.....	20982	Reed, D. L.:	
		jelly.....	20463

Renn, F. O., Fruit Co.:	N. J. no.	Sanford-Oviedo Truck Growers, Inc.:	N. J. no.
apples.....	20607	celery.....	20073
Republic Noodle Factory:		Santa Ana Poultry & Egg Co.:	
noodles.....	20781	eggs.....	20021
Reynolds, Daniel:		Sardines. <i>See</i> Fish.	
apples.....	20310	Sauerkraut, canned:	
Rhubarb, canned:		Frank Pure Food Co.....	20095
Pettit, Ivans.....	20215	Marshall Canning Co.....	20178
Rice:		McCord Brady Co.....	20629
Arkansas Rice Co.....	20790	Sauerkraut juice. <i>See</i> Beverages and beverage bases.	
Pacific Trading Co.....	20121	S. B. & H. Co.:	
Richardson, R. E.:		blueberries.....	20015
apples.....	20984	Scaramelli & Co., Inc.:	
Ridenour-Baker Grocery Co.:		tomato sauce.....	20216
feed, chick.....	20458	Schulze, Paul A., Co.:	
Ringling, Fred:		butter.....	20066, 20833
tullibeas.....	20862	Scott County Milling Co.:	
Ritchey, F. B.:		corn flour.....	20452
apples.....	20986	cream meal.....	20452
River Woodland Farms:		wheat flour.....	20452
apples.....	20645	Sebeka Cooperative Creamery:	
Riverside Canning Co.:		butter.....	20226
tomatoes, canned.....	20244	Security Warehouse Co.:	
Roberts, Thomas, & Co.:		mustard seed.....	20511
tomatoes, canned.....	20345, 20971	Severini, Luigi:	
Robinson, W. E., & Co.:		grapes, dried.....	20128, 20992
tomatoes, canned.....	20244	Seymour, H. M.:	
Roche Fruit & Produce Co.:		apples.....	20326, 20426, 20866
pears.....	20665	Seymour, Joe:	
Roche, W. E., Fruit Co..		currants.....	20188
pears.....	20437	Shanghai Noodle & Macaroni Mfg. Co.:	
Rock County Creamery Co.:		noodles.....	20825
butter.....	20213	Sheldon Creamery Co.:	
Rocky Mountain Packing Corporation:		butter.....	20227
tomato catsup.....	20051	Shellfish:	
Rocky Mountain Produce Co.:		clam nectar:	
cauliflower.....	20456, 20505	Guilford Packing Co.....	20989
Rollins-Carmine Co.:		clams, canned:	
crab meat.....	20637	Guilford Packing Co.....	20446
Rome Oil Mill, Inc.:		Haas Bros.....	20446
cottonseed meal.....	20293	crab meat:	
Rosenbaum, Fred:		Clayton, J. M., Co.....	20085, 20549
apples.....	20867	Coston Co., Inc.....	20307
Rosenberg Bros. & Co.:		Coulbourne & Jewett.....	20076
grapes, dried.....	20125	Faulkner, A. N., & Co.....	20082
walnuts.....	20717	Frey, C. B.....	20086
Rosenblatt & Weiss:		Haddaway, Alex.....	20083, 20550
cauliflower.....	20438	Harris, A. B.....	20084
Ross & Co.:		Hunt, P. K., & Son.....	20304
rabbits.....	20640	Larrimore, W. C.....	20131, 20705
Rotter, Wendel:		Long, F. P., & Co.....	20080, 20647
cauliflower.....	20470	Loockerman, C. A.....	20531
R. & R. Purity Dairy Co.:		McMenamin & Co., Inc.....	20522
butter.....	20697	Rollins-Carmine Co.....	20637
Rudden, Florence:		Tilghman Packing Co.....	20022
candy.....	20716	Watkins, E. L.....	20180
Russel, R. E.:		White & Nelson.....	20081
apples.....	20261	oysters:	
Russell Corners Creamery Co.:		Christy, Geo. A., & Son.....	20710
butter.....	20104	Wentworth, O. E., & Co.....	20757
Russell, M. F.:		canned:	
apples, crab.....	20270	Smith, E. A., Corporation.....	20203
Rye flour. <i>See</i> Flour.		shrimp, canned:	
Salmon. <i>See</i> Fish.		American Stores Co.....	20800
Sander, John, Inc.:		Biloxi Canning & Packing Co.....	20308, 20542
butter.....	20759		



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shrimp, canned—continued.	N. J. no.
C. C. Co.	20542
Devitt & Sons.	20324
Dorgan-McPhillips Packing Corporation	20145, 20497, 20762
Grand Caillou Packing Co., Inc.	20696, 20800
Gulf Foods, Inc.	20658
Massenburg, J. O.	20620
Nassau Packing Co.	20503,
	20636, 20649, 20764
Nassau Sound Packing Co.	20503,
	20636, 20649
Pelican Lake Oyster & Packing Co., Ltd.	20130
Red & White Corporation.	20308
Smith, J. A.	20976
United Packing Co.	20127, 20279
United Rice Milling Products Co.	20127,
	20279
Shenandoah Milling Co., Inc:	
feed, mixed.	20289
flour.	20289
shipstuff with screenings.	20207
Shepard Point Packing Co.:	
salmon, canned.	20246, 20489, 20798
Sherfick's Farm & Floral Products:	
honey.	20785
Shields, F. W., Co.:	
apples.	21000
Shipstuff with screenings. See Feed, wheat.	
Shlensky, H., & Son:	
apples.	20867
Shorts. See Feed.	
with screenings. See Feed.	
Shrecengost, D. J., Co.:	
apples.	20418
Shrimp. See Shellfish.	
Sioux Falls Coffee & Spice Co.:	
tomato catsup.	20051
Sirup, table:	
Bliss Syrup & Preserving Co.	20498, 20774
Mar, H. A., Grocery Co.	20498
cane:	
Cunningham, A. O.	20297
New Orleans Coffee Co., Ltd.	20413
Sjoberg, Alfred:	
butter.	20760
Skookum Packers:	
apples.	20688
Skookum Packers Assoc.:	
apples.	20960
Skowl Arm Packing Co.:	
salmon, canned.	20329
Small, E. S.:	
pears.	20870
Small, E. S., Inc.:	
apples.	20987
Smith Canning Co.:	
peaches, canned.	20776
Smith, E. A., Corporation:	
oysters, canned.	20203
Smith, George:	
apples.	20670
Smith, J. A.:	
shrimp, canned.	20976

Smith's Creamery:	N. J. no.
butter.	20025
Snider Dairy & Produce Co.:	
butter.	20117
Solomon, Martin:	
apples.	20419
Soper, A. C., Co.:	
tomato catsup.	20804
Sorenson-Ryan:	
apples.	20841
South Haven Fruit Exchange:	
apples, crab.	20267
Southern Cotton Oil Co.:	
oil, salad.	20792
Southern Edible Products Co.:	
pecan pieces.	20516
Southern Manufacturing Co.:	
pickles, dill.	20224
Southland Cotton Oil Co.:	
cottonseed screenings.	20962
Spear, A. N.:	
apples.	20265
Speas Manufacturing Co.:	
vinegar.	20344, 20775
Spices:	
caraway seed:	
Archibald & Kendall, Inc.	20537
Bear Stewart Co.	20225
Catz American Co., Inc.	20240, 20546
Evans, David G., Coffee Co.	20248
French, R. T., Co.	20077
Gebroeders, N. V., Catz Handelsvereeniging.	20290
Great Atlantic & Pacific Tea Co.	20535
Habicht Braun Co.	20183
Levy & Levis Co., Inc.	20300
Olender, A., & Son.	20247
Van Sillevoldt, C. M.	20090, 20242
Wood & Selick, Inc.	20295
celery seed:	
Moellhausen, Rene.	20137
coriander seed:	
Thomhill, Charles, & Co., Ltd.	20100
cumin seed:	
Atlantic Sales Corporation.	20664
French, R. T., Co.	20077
marjoram:	
Knickerbocker Mills.	20209
mustard:	
Mid-West Food Packers, Inc.	20855,
	20967, 20972
National Grocers Sundries Co.	20204
seed:	
A. J. & Co.	20065
Atlantic Sales Corporation.	20664
Barkemeyer Seed Co.	20606
Bremen Colonial & China Trading Co.	20107
Catz American Co., Inc.	20243, 20283
French, R. T., Co.	20077
Irwin-Harrison-Whitney, Inc.	20078
Security Warehouse Co.	20511
Van Lessen, Richardson & Co.	20291
pepper:	
Hudson Tea & Spice Co.	20299, 20627
pickling:	
Hudson Tea & Spice Co.	20287

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poppy seed:	N. J. no.
Atlantic Sales Corporation.....	20664
Biddle Purchasing Co.....	20043
Geisdervier & Vermeys.....	20236
Levy & Levis Co., Inc.....	20042
Wambersie & Zoon.....	20236
Springfield Creamery Co., Inc.:	
butter.....	20479
Spur Creamery:	
butter.....	20872
Squires, T. S.:	
tullibeas.....	20863
Standard Brands, Inc.:	
eggs, frozen.....	20069
Standard Packing Co.:	
salmon, canned.....	20336, 20489
Stanford Creamery Co.:	
butter.....	20970
Starck & Mars:	
apples.....	20859
Starkey, S. H.:	
celery.....	20844
Starr, Elmer:	
blueberries.....	20018
Stephens Packing Co.:	
orange juice.....	20643
Sternick, M., Inc.:	
cauliflower.....	20421
Stevens, J. C.:	
cauliflower.....	20334
Stewartville Cooperative Creamery Asso-	
ciation:	
butter.....	20603
Stittville Canning Co.:	
tomato puree.....	20143
Stoerk, August, Inc.:	
apples.....	20274
Stokely Bros. Co.:	
tomato catsup.....	20811
Stratford Orchards Co.:	
apples.....	20506, 20519
Strawberries, canned:	
Lidell & Clarke, Inc.....	20954
Ray-Maling Co., Inc.....	20856, 20954
frozen:	
Moffett, S. A., Co.....	20229, 20779
Strawberry cream biscuits. See Bakery	
products.	
sandwich. See Bakery products.	
juice. See Beverages and beverage bases.	
Strawberry Point Farmers Creamery Asso-	
ciation:	
butter.....	20194
Sugar, A.:	
apples.....	20403
Sugar Creek Creamery Co.:	
butter.....	20284, 20306, 20320, 20481, 20761, 20784
Sumter Packing Co., Inc.:	
pimientos, canned.....	20635
Sunbeam Egg Co.:	
eggs, frozen.....	20115
Sunburg Cooperative Creamery:	
butter.....	20232
Sunnyslope Fruit Exchange:	
apples.....	20842, 20851

Superior Cake & Meal Co.:	N. J. no.
cottonseed meal.....	20812
Superior Packing Co.:	
salmon, canned.....	20186, 20301, 20493
Suppiger, G. S., Co.:	
tomato pulp.....	20660
Sutterlein, Albert:	
cherries.....	20150
Swift & Co.:	
butter.....	20012, 20070, 20074,
20122, 20631, 20638, 20719, 20721, 20975	
eggs, frozen.....	20631
Symns Grocer Co.:	
cherries, canned.....	20045
Taylor Falls Creamery Co.:	
butter.....	20280, 20681
Terminal Oil Mill Co.:	
cottonseed screenings.....	20993, 20997
Terminals & Transportation Corporation of	
America:	
eggs, frozen.....	20783
Texas Refining Co.:	
cottonseed cake.....	20674
Thomhill, Charles, & Co., Ltd.:	
coriander seed.....	20100
Thrift Packing Co.:	
beans, canned.....	20316
peas, black-eyed, canned.....	20316
Tilghman Packing Co.:	
crab meat.....	20022
Todd, Williams, Co.:	
grapefruit juice.....	20834
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Tomato catsup:	
Cincinnati Wholesale Grocery Co.....	20485
Craig, William, Canning Co.....	20276
Currie Canning Co.....	20401
Fame Canning Co.....	20811
Fraering Brokerage Co.....	20318
Frey & Son, Inc.....	20630
Greenabaum Bros., Inc.....	20630
Leggett, Francis H., & Co., Inc.....	20635, 20654
Mid-West Food Packers, Inc.....	20318, 20485
Naas Corporation.....	20769
Rocky Mountain Packing Corp.....	20051
Sioux Falls Coffee & Spice Co.....	20051
Soper, A. C., Co.....	20804
Stokely Bros. Co.....	20811
Wagner, H. M., & Co.....	20786
Weidman, Ward & Co., Inc.....	20630
Wilkinson, Caddis & Co.....	20630
Woods Cross Canning Co.....	20254
paste:	
Bello & Diaz.....	20791
Favoloro, F. G., Sons, Inc.....	20538
Glorioso, A.....	20105, 20337, 1
Lallande, J. G.....	20791
Llitas, Angel.....	20791
Lopez, J. B.....	20337
Mitchell, John S., Inc.....	20192
Pratt-Low Preserving Co.....	20791
Tomato Products Co.....	20282
Uddo Bros. Co., Inc.....	20824
Uddo-Taormina Corporation.....	20134,
20666, 20824	

1 Contains instructions to the jury.



Tomato Products Co.:	N. J. no.	Universal Manufacturing Co.:	N. J. no.
tomato paste.....	20282	beans, canned.....	20305
Tomato pulp:		peas, black-eyed, canned.....	20305
Suppiger, G. S., Co.....	20660	vinegar.....	20237
puree:		Vagim Packing Co.:	
Butterfield Canning Co.....	20464	figs.....	20096
C. D. Co.....	20540	Valle, Ben, Co.:	
Frey & Son.....	20143	butter.....	20713
Githens, Rexsamer & Co.....	20111	Valley Creamery, Ltd.:	
Haxton Canning Co.....	20111, 20141, 20540	butter.....	20011, 20450
North East Preserving Works, Inc.....	20853	Valley Dairy Co., Inc.:	
Pleasant Grove Canning Co.....	20112	butter.....	20011
Stittville Canning Co.....	20143	Van Camp Sea Food Co., Inc.:	
Varney Canning Co., Inc.....	20055	sardines, canned.....	20766
sauce:		Van Lessen, Richardson & Co.:	
Paesana Packing Co.....	20216	mustard seed.....	20291
Scaramelli & Co., Inc.....	20216	Van Sillevoldt, C. M.:	
Tomatoes, canned:		caraway seed.....	20090, 20242
Baron Canning Co.....	20447	Vanilla flavor. <i>See</i> Flavors (household).	
First National Stores.....	20345	Vanillin. <i>See</i> Flavors (household).	
Harbor City Canning Co.....	20815	Varney Canning Co., Inc.:	
Hazelhurst Canning Co., Inc.....	20132	tomato puree.....	20055
Ozark Canning Co.....	20491, 20548	Vegetables, mixed, canned:	
Riverside Canning Co.....	20244	Phillips Packing Co.....	20113, 20656
Roberts, Thomas, & Co.....	20345, 20971	Victor Preserving Co.:	
Robinson, W. E., & Co.....	20244	tomatoes, canned.....	20309
Uddo-Taormina Corporation.....	20079, 20303	Vilas Co.:	
Victor Preserving Co.....	20309	eggs.....	20220
Triangle Cheese Co.:		Vinegar:	
cheese.....	20799	Jones Bros. & Co., Inc.....	20532
Trinidad Bean & Elevator Co.:		Keller-Lorenz Co.....	20041
beans.....	20327	Naas Corporation.....	20977
Tropical Preserving Co.:		National Grocers Sundries Co.....	20204
jelly.....	20463	Radford, J. M., Grocery Co.....	20237
Trout Brook Creamery Co.:		Speas Manufacturing Co.....	20344, 20775
butter.....	20052	Universal Manufacturing Co.....	20237
Trunkay, H. T.:		Western Cider Vinegar Co.....	20822
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Trunkay-Wolfe Co., Inc.:		Vitti, Vito:	
apples.....	20841	grapes, dried.....	20128, 20992
Tugwell & Wiseman of Florida, Inc.:		Wagner, H. M., & Co.:	
grapefruit juice.....	20445	tomato catsup.....	20786
orange juice.....	20445	Wainio, John:	
Tullibees. <i>See</i> Fish.		blueberries.....	20036
Tyler, S. H., & Son:		Walden, Charles:	
flavor, lemon imitation.....	20319	egg yolk, dried.....	20149
Uddo Bros. Co., Inc.:		Wallace, Archie:	
tomato paste.....	20824	blueberries.....	20009
Uddo-Taormina Corporation:		Walnuts. <i>See</i> Nuts.	
oil, olive.....	20072	Wambersie & Zoon:	
tomato paste.....	20134, 20666, 20824	poppy seed.....	20236
tomatoes, canned.....	20079, 20303	Waples Platter Co.:	
Union Produce Co.:		beans, canned.....	20321
butter.....	20133	peas, black-eyed, canned.....	20321
celery.....	20796	Wark, W. H.:	
United Grocers Association:		currants.....	20093
celery.....	20480	apples.....	20275
United Growers Association:		Warroad Fish Co.:	
cauliflower.....	20486	tullibees, frozen.....	20846
United Growers Association Co.:		Washburn Crosby Co.:	
cauliflower.....	20465	flour, rye.....	20669
United Packing Co.:		Waterville Creamery Co.:	
shrimp, canned.....	20127, 20279	butter.....	20820
United Rice Milling Products Co.:		Watervliet Cooperative Creamery Assoc.:	
shrimp, canned.....	20127, 20279	butter.....	20759

<sup>1</sup> Contains an opinion of the court.

	N. J. no.		N. J. no.
Watervliet Creamery Co.:		Westport Cooperative Creamery Association:	
butter.....	20071	butter.....	20837
Watkins, E. L.:		White & Nelson:	
crab meat.....	20180	crab meat.....	20081
Watson, R. A.:		Whitehall Creamery Association:	
apples.....	20763	butter.....	20644
Wauzeka Creamery Co.:		Whitehead-Kiesel Co.:	
butter.....	20061	vinegar.....	20217
Waynesboro Fruit Exchange:		Wickham, Wm., & Son:	
apple butter.....	20874	cherries.....	20028
Webster Canning & Preserving Co.:		Wilcox Produce, Inc.:	
cherries, canned.....	20409, 20483	butter.....	20176
Webster, G. L., Canning Co.:		Wilkinson, Caddis & Co.:	
peas, canned.....	20659, 20679	tomato catsup.....	20630
Weidman, Ward & Co., Inc.:		Williams, P. P., Co.:	
tomato catsup.....	20630	cream meal.....	20955
Wenatchee-Okanogan Cooperative Federa- tion:		pearl meal.....	20955
apples.....	20851	Winthrop Cooperative Creamery Assoc.:	
Wendzel, Henry:		butter.....	20836
apples.....	20403	Wisconsin Milling Co.:	
Wendzel, Reuben:		flour, rye.....	20302
apples.....	20403	Woerlein, G. W.:	
Wendzel, Ryno:		butter.....	20817
apples.....	20867	Wolfe, H. S.:	
Wentworth, O. E., & Co.:		apples.....	20841
oysters.....	20757	Wood & Selick, Inc.:	
Wentworth, R. T.:		caraway seed.....	20295
oysters.....	20757	Woodall, C. C., Co.:	
Wentworth, W. V.:		pears.....	20870
oysters.....	20757	Woods Cross Canning Co.:	
Werner Poultry Co.:		tomato catsup.....	20254
eggs, frozen.....	20718	Wrangell Packing Corporation:	
Wesson Oil & Snowdrift Sales Co.:		salmon, canned.....	20214, 20699
oil, salad.....	20792	Wuethrich, Alfred:	
West Coast Fruit Co.:		cheese.....	20978
grapefruit juice.....	20478	Wuethrich Bros.:	
West Sales, Inc.:		cheese.....	20978
salmon, canned.....	20813	Wuethrich, Fred:	
Western Cider Vinegar Co.:		cheese.....	20978
vinegar.....	20822	Yerington Creamery:	
Western Creamery Co.:		butter.....	20003
butter.....	20348, 20544, 20601	Young, I. M.:	
Western Meat Co.:		cauliflower.....	20448
butter.....	20632	Young, I. M., & Co.:	
Western Vegetable Distributors:		cauliflower.....	20449
cauliflower.....	20328,	Zippel, Art:	
20415, 20430, 20442, 20471, 20472		tullibees.....	20831

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	N. J. No.		N. J. no.
Acetanilid compound tablets:		Alhosan Chemical Co.:	
Llewellyn Laboratories, Inc.....	20394	Pyro-Sana.....	20383
Rorer, William H., Inc.....	20154	Almond oil:	
Acetphenine tablets:		Lowell, E. I.....	20728
Llewellyn Laboratories, Inc.....	20394	Aloe:	
A. C. H. Ku-Rill:		McIlvaine Bros.....	20388
Hynd, A. C., Corporation.....	20590	Ambrozoin:	
Acme Stock Salt Co.:		American Apothecaries Co.....	20736
Acme medicated stock salt.....	20562, 20922	American Apothecaries Co.:	
Aconite, tincture:		Ambrozoin.....	20736
Gibson-Howell Co.....	20581, 20898	American Drug Co.:	
Sharp & Dohme.....	20172, 20577	White Cross liver medicine.....	20897
Smith, Kline & French Laboratories.....	20586	American Drug Sales Co.:	
Adium-Active radium ointment:		ginger, fluidextract.....	20902
Adium Products, Inc.....	20732	Mintol Vapocream.....	20880

1 Contains an opinion of the court.



American Felsol Co.:	N. J. no.	Barlett, L. B.:	N. J. no.
Felsol.....	20887	Banbar.....	<sup>2</sup> 20727
American Pharmaceutical Co.:		Belladonna leaves, tincture:	
aspirin tablets.....	20559, 20917	National Pharmaceutical Mfg. Co.....	20373
Cold Inhalant.....	20885	powdered extract:	
Ergot-Apiol.....	20354	Burrough Bros. Manufacturing Co.....	20938
fluidextract.....	20572, 20573	Benzoin tincture:	
sodium phenobarbital tablets.....	20169	Lowell, E. I.....	20728
American Proprietary Syndicate:		Beringer, George M., Inc.:	
ginger, fluidextract.....	20902	ergot ampoules.....	20174
Amidopyrine tablets:		pancreas compound capsules.....	20174
Mills Sales Co.....	20879	Bika Biochemical Laboratories:	
Anderson, W. E.:		Hydropin.....	20741
ginger, fluidextract.....	<sup>1</sup> 20554	Lymphin.....	20745
Andes:		Ol de Vita.....	20744
International Products Co., Inc.....	20566	Osteon.....	20743
Vicksburg Chemical Co.....	20566	Percholin.....	20742
Anselmi, F. L.:		Vita salve.....	20744
Gliperol.....	20929	Zenar remedies.....	20729
Anselmi Hnos., Inc.:		Bis-Ma-Cal tablets:	
Gliperol.....	20929	Llewellyn Laboratories, Inc.....	20394
Anti-Phymn:		Biz:	
MacIntire, R. E., & Co.....	20726	Henderson & Skipworth.....	20160
Arcadio Saldana:		B. & L. Distributing Co.:	
4-44 (Four Forty Four).....	20594	ginger, fluidextract.....	20563
Arium:		Blackman & Blackman:	
Associated Radium Chemists, Inc.....	20382	Premo aspirin tablets.....	20380
Fuller-Morrison Co.....	20168	Blake's herb tablets:	
Arizona Laboratories, Inc.:		International Drug Co.....	20915
cactus butter.....	20585	Blaud modified capsules:	
Armstrong's granular effervescent lithia com- pound:		Philadelphia Capsule Co.....	20748
Armstrong Chemical Co.....	20166	Blaud's mass tablets:	
Arsenous acid tablets:		Shores-Mueller Co.....	20946
Wyeth, John, & Bro., Inc.....	20551	Blue mass pills:	
Asmarina:		Wyeth, John, & Bro., Inc.....	20551
Marini Laboratories Medicine Co.....	20940	Blumauer-Frank Drug Co.:	
Serra, Garabis & Co., Inc.....	20940	ether.....	20884
Aspirin Co. of America:		B. & M. external remedy:	
aspirin tablets.....	20917	National Remedy Co.....	<sup>3</sup> 20163
Aspirin tablets:		Rollins, F. E., Co.....	<sup>3</sup> 20163
American Pharmaceutical Co., Inc.....	20559, 20917	Boerner, Clara:	
Aspirin Co. of America.....	20917	Life powder.....	20909
Blackman & Blackman.....	20380	Universal Preservation remedy.....	20909
Mills Sales Co.....	20879	Borneman, J. A.:	
Premo Laboratories.....	20380	drug tablets.....	20597
Associated Radium Chemists, Inc.:		Bozarth, Dr. W. A.:	
Arium.....	20382	Cow-Calf compound.....	20353
Asthmans capsules:		Bragg, P. C.:	
Philadelphia Capsule Co.....	20748	O. K.-Lax.....	20587
Austin Products Co.:		Brander's No. 7:	
ginger, fluidextract.....	20570	Haley M-O Co., Inc.....	20171
Baird & Liebel Dist. Co.:		Breast tea:	
ginger, fluidextract.....	20563	Diez, E. C., Co., Inc.....	20881
Baker, J. T., Chemical Co.:		Bridinger, F. L.:	
ether.....	20912	St. John's, I. L., "Magnetic" brand oil.....	20571
Baker-Mayes Co.:		Brinkley, J. A.:	
Necro-Cide.....	20904	ginger, fluidextract.....	20563
Ballard's Golden oil:		Brunswig Drug Co.:	
Ballard Golden Oil Co.....	20883	Nervotol.....	20927
Ballard, I. A.....	20883	Buffington's, Inc.:	
Banbar:		Iodisks.....	20907
Berlett, L. B.....	<sup>2</sup> 20727	Burbank, R. C.:	
		Morrison's Old English liniment.....	20363

<sup>1</sup> Conspiracy to violate the Food and Drugs Act; contains instructions to the jury and an opinion of the court.

<sup>2</sup> Contains instructions to the jury.

<sup>3</sup> Contains an opinion of the court.

Burdock, fluidextract:	N. J. no.	C. R. Products Co.:	N. J. no.
Standard Pharmaceutical Corporation.	20939	Numoss.....	20370
Burrough Bros. Manufacturing Co.:		Crede Crede:	
belladonna leaves, powdered, extract.....	20938	Scientific Products Laboratories.....	20158
Cactus butter:		Crezoin Chemical Co.:	
Arizona Laboratories, Inc.....	20585	Crezoin Balsam Formula No. 1.....	20575
Health Food Distributors.....	20560	Menthymoil.....	20575
Phoenix Chemical Laboratories..	20560, 20585	Cystitans capsules:	
Universal Cactus Food Products..	20560, 20585	Philadelphia Capsule Co.....	20748
Caf-Acetan, effervescent:		Dalgerine capsules:	
Wyeth, John, & Bro., Inc.....	20551	Philadelphia Capsule Co.....	20748
Cal Spa mineral water. See Water, mineral.		Denver Radium Service:	
Calomel compound capsules:		radium ointment.....	20351
Philadelphia Capsule Co.....	20748	De Vore Manufacturing Co.:	
Cancer and scrofula syrup:		Granger Vegetable Teatonic.....	20891
Mixer Medicine Co.....	20943	Newton's, Dr., Nervine.....	20737
Carde, J. G.:		Diabetes remedy:	
Glicoidina.....	20733	Warner's Safe Remedies Co.....	20901
Carnatine red:		See also Banbar; Diano.	
Lowell, E. I.....	20728	Diano for Diabetes:	
Cassia oil:		Samaritine Co.....	20555
Lowell, E. I.....	20728	Diez, E. C., Co., Inc.:	
Cates', Dr., Cato tooth paste:		Breast Tea.....	20881
Cato Chemical Co.....	20357	Digitalis, tincture:	
Cheney, G. S., Co., Inc.:		National Pharmaceutical Mfg. Co.....	20378
Cheney's red clover flowers.....	20936	Schieffelin & Co.....	20379
Gardner's, Dr., Kidneyaid.....	20936	Smith, Kline & French Laboratories..	20586
Chermak Drug Co.:		Diller, C. F.:	
Ergot-Apiol.....	20354	Photo-Synthetic tea.....	20360
fluidextract.....	20572	Direct Sales Co., Inc.:	
Cinchophen capsules:		Tablets Flu-Enza.....	20558
Philadelphia Capsule Co.....	20748	Drenching powder:	
tablets:		Economy Hog & Cattle Powder Co....	20576
Llewellyn Laboratories, Inc.....	20394	Drug Co. of Puerto Rico, Inc.:	
Clover, red, flowers:		Klinodonto tooth paste.....	20395
Cheney, G. S., Co., Inc.....	20936	Drug tablets:	
Cod-liver oil, Nestor emulsion:		Borneman, J. A.....	20597
Nestor Drug & Chemical Co.....	20905	Dunlop pyorrhea paste:	
tonic:		Emme Dental Specialty Co.....	20910
Furst-McNess Co.....	20362	Economy Hog & Cattle Powder Co.:	
Furst & Thomas Co.....	20362	drenching powder.....	20576
Codeine sulphate tablets:		fox mineral.....	20576
Sutliff & Case Co., Inc.....	20906	hog powder.....	20576
Cold Inhalant:		mineral compound.....	20576
American Pharmaceutical Co.....	20885	sheep powder.....	20576
Collins, Clyde, Chemical Co.:		Edward, John:	
Ru-Co The Wonderful.....	20374	Healthagain.....	20734
Collins' plasters:		Vegetable Compound.....	20735
Johnson & Johnson.....	20400	Egg a Day, Standard:	
Potter Drug & Chemical Corporation..	20568	Standard Chemical Manufacturing	
Commercial Laboratories, Inc.:		Co.....	20947
Van's, Billy B., pine tree ointment.....	20595	Elbaum, Leo:	
Corey Klein Co.:		ginger, fluidextract.....	20749
Lee's Dr., Antiseptine powder.....	20882	Emme Dental Specialty Co.:	
Nervine tonic.....	20882	Dunlop pyorrhea paste.....	20910
pills for kidneys.....	20882	ethyl borate.....	20914
Prescription 3566.....	20882	Enzel:	
rheumatic elixir.....	20882	Hambricht, E. L.....	20934
vegetable female cordial.....	20882	Spoon Laboratories, Inc.....	20934
Wonderful herb tonic.....	20882	Ergot ampoules:	
Cough syrup:		Beringer, George M., Inc.....	20174
McKesson-Langley-Michaels Co.....	20384	Ergot-Apiol:	
National Pharmacy Co.....	20384	American Pharmaceutical Co.....	20354
Coumarin:		Chermak Drug Co.....	20354
Lowell, E. I.....	20728	fluidextract:	
Cow-Calf compound:		American Pharmaceutical Co.....	20572, 20573
Bozarth, Dr. W. A.....	20353	Chermak Drug Co.....	20572
Probert Remedy Co.....	20353	Imperial Drug Exchange.....	20572
		Standard Pharmaceutical Corporation..	20358

Ergotole:	N. J. no.	Frye's Hydrocarboline spray solution:	N. J. no.
Sharp & Dohme, Inc.....	20899	Frye, Geo. C., Co.....	20893
Estes Surgical Supply Co.:		Fuller-Morrison Co.:	
Petro-Colon Antiseptic.....	20397	Arium.....	20168
Estorge Drug Co.:		Furst-McNess Co.:	
Granger liver regulator.....	20155	McNess' Cod Liver Oil Tonic.....	20362
Ether:		Menthoform.....	20362
Baker, J. T., Chemical Co.....	20912	Pain Oil.....	20362
Blumauer-Frank Drug Co.....	20884	Furst & Thomas Co.:	
Mallinckrodt Chemical Works.....	20355, 20369, 20884, 20921	McNess' Cod Liver Oil Tonic.....	20362
Ethyl borate:		Menthoform.....	20362
Emme Dental Specialty Co.....	20914	Pain Oil.....	20362
Eucalyptus oil:		Gadoxin:	
Lowell, E. I.....	20728	Gadoxin Co.....	20889
Ex-Lax Manufacturing Co.:		McCaffrey, A. A.....	20889
Yum for Headache.....	20598	Gallia Laboratories:	
Exto-Rac:		Kola Astier Granulated.....	20925
Greenville Products Co.....	20937	Gardner's, Dr., Kidneyaid:	
Fajardo, G. J.:		Cheney, G. S., Co., Inc.....	20936
Parmint.....	20931	Germ-Oil Co.:	
Febritabs:		Pirtle's, Dr., Germ-Oil.....	20591
Rorer, William H., Inc.....	20154	Gibson-Howell Co.:	
Federal Food Co.:		aconite, tincture.....	20581, 20898
V. S. Poultrytone.....	20926, 20942	Gin-ga-sol:	
Stocktone.....	20926, 20942	Gingasol Laboratories, Inc.....	20930
Felsol:		Ginger, fluidextract:	
American Felsol Co.....	20887	American Drug Sales Co.....	20902
Fem:		American Proprietary Syndicate.....	20902
McKesson Merrell Drug Co.....	20367	Anderson, W. E.....	20554
Merrell, J. S., Drug Co.....	20367	Austin Products Co.....	20570
Fenugreek, ground:		Baird & Liebel Dist. Co.....	20563
McIlvaine Bros.....	20388	B. & L. Distributing Co.....	20563
Ferrac:		Brinkley, J. A.....	20563
Greenville Products Co.....	20937	Elbaum, Leo.....	20749
Flar Medicine Co.:		Hall, S. A.....	20554
tolu, compound syrup.....	20895	Henners, H. J.....	20554
Flaxseed:		Hub Products Co.....	20389, 20563
Honor Research Laboratories.....	20941	James, F. E.....	20554
Mills Sales Co.....	20941	Jones, H. L., Co.....	20570
Flu-Enza tablets. See Tablets Flu-Enza.		Jordan Bros.....	20554
Formin compound capsules:		Lahn, P. M.....	20554
Philadelphia Capsule Co.....	20748	Lesser, Harry.....	20554
Foster, James W., Co.:		Niman, S. H.....	20746
Morrison's Old English liniment.....	20363	Pomeroy, C. M.....	20554
Fougere, E., & Co., Inc.:		Worthen, C. E.....	20902
Piperazine Midy.....	20593	Sanfords compound:	
Santal Midy.....	20950	Potter Drug & Chemical Corp.....	20569
Vapex.....	1 20371, 20556	Gland O Lac Co.:	
4-44 (Four Forty Four):		Neol.....	20738
Arcadio Saldana.....	20594	Glicoidina:	
Nethery, W. B.....	20375	Carde, J. G.....	20733
Serra, Garabis & Co., Inc.....	20594	Glicoidina Manufacturing Co.....	20733
United Laboratories.....	20375, 20594	Gliperol:	
Fox mineral:		Anselmi Hnos., Inc.....	20929
Economy Hog & Cattle Powder Co....	20576	Gold Band Sterileptic toilet powder:	
Frick's Eez-All:		Gold Bond Sterilizing Powder Co.....	20385
Frick, A. F.....	20730	Goose Grease Co.:	
Frigidine, Inc.:		Mother's Joy salve.....	20932
Frigidine tooth paste.....	20888	Granger liver regulator:	
Froberg, J. W.:		Estorge Drug Co.....	20155
Cow-Calf compound.....	20353	Granger Medicine Co.....	20155
Froberg Remedy Co.:		Vegetable Teatonic:	
Cow-Calf compound.....	20353	De Vore Manufacturing Co.....	20891

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<sup>2</sup> Conspiracy to violate the Food and Drugs Act; contains instructions to the jury and an opinion of the court.



Greenville Products Co.:	N. J. no.	I-den-tine dental cream:	N. J. no.
Extro-Rac.....	20937	Redd Chemical Co.....	20878
Ferrac.....	20937	Trade Laboratories, Inc.....	20878
Griffin, W. R.:		Imperial Drug Exchange:	
Sister Mary's compound.....	20750	ergot fluidextract.....	20572
Grippe tablets:		Indian New Discovery:	
Llewellyn Laboratories, Inc.....	20394	Justice Drug Co.....	20151
Griswold's Family salve:		International Drug Co.:	
Griswold Salve Corporation.....	20588	Blake's herb tablets.....	20915
Sisson Drug Co.....	20588	International Pharmacal Co.:	
Hale's, Dr., Household ointment:		Nervo-Forza.....	20933
pills:		International Products Co., Inc.:	
Kenyon & Thomas Co.....	20739	Andes.....	20566
Haley M-O Co., Inc.:		International Stock Feed Co.:	
Brander's No. 7.....	20171	Silver Pine healing oil.....	20731
Hall, S. A.:		Interstate Drug Co.:	
ginger, fluidextract.....	1 20554	Williams', Dr., No. 101 Tonic.....	20162
Hambright, E. L.:		Iodine, tincture:	
Enzel.....	20934	Witsell Bros. Manufacturing Co.....	20913
Hazeltine & Perkins Drug Co.:		Iodisks:	
Steketee's neuraliga drops.....	20364	Buffington's, Inc.....	20907
pin worm destroyer.....	20364	Irwin, Neisler & Co.:	
worm destroyer.....	20364	sodium salicylate tablets.....	20935
Headache remedy:		James, F. E.:	
Ex-Lax Manufacturing Co.....	20598	ginger, fluidextract.....	1 20554
Yum Products Corporation.....	20598	Johnson & Johnson:	
Health Food Distributors:		Collins' plasters.....	20400
cactus butter.....	20560	Jones, C. L.:	
Health Research Laboratories:		Vi-Te-Ma poultry compound.....	20918
Novolek.....	20928	stock comound.....	20918
Healthagain:		V. S. Poultrytone.....	20926
Edward, John.....	20734	Stocktone.....	20926
Healthagain Laboratories, Inc.....	20734	Jones, H. L., Co.:	
Vegetable Compound:		ginger, fluidextract.....	20570
Edward, John.....	20735	Jones' liniment:	
Healthagain Laboratories, Inc.....	20735	Spiegel, M., Medicine Co.....	20390
Hunt, E. J.....	20735	Jones, Wylie B., Advertising Agency:	
Heilkraft Medical Co.:		Parmint.....	20931
Scarlet Red salve.....	20165	Jordan Bros.:	
Henderson & Skipworth:		ginger, fluidextract.....	1 20554
Biz.....	20160	Justice Drug Co.:	
Henners, H. J.:		Indian New Discovery.....	20151
ginger, fluidextract.....	1 20554	Ka-Di-Ok compound:	
Hog powder:		Le Dure Medicine Co.....	20592
Economy Hog & Cattle Powder Co.....	20576	Kalmolax tablets:	
Home Relief Laboratories:		Llewellyn Laboratories, Inc.....	20394
Mintol Vapocream.....	20880	Kemozone solution:	
Honor Research Laboratories:		Select Drug Products Co.....	20365
flaxseed.....	20941	Kenyon & Thomas Co.:	
magnesia, milk of.....	20916	Hale's, Dr., Household ointment.....	20739
Hub Products Co.:		pills.....	20739
ginger, fluidextract.....	20389, 20563	Keyser's "Pink" Kold Kapsules:	
Hunt, E. J.:		Keyser Chemical Co.....	20596
Healthagain Vegetable Compound.....	20735	Keyser, E. L.....	20596
Hutchison's Big Head liniment:		King's Ceko dental paste:	
Hutchison Medicine Co.....	20150, 20740	King, C. G., & Co.....	20377
Magic Oil:		Klindento tooth paste:	
Hutchison Medicine Co.....	20159	Drug Co. of Puerto Rico, Inc.....	20395
Hydropin:		New England Collapsible Tube Co.....	20395
Bika Biochemical Laboratories.....	20741	North American Co., Inc.....	20395
Hynd, A. C., Corporation:		Kola Astier Granulated:	
A. C. H. Ku-Rill.....	20590	Gallia Laboratories.....	20925

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Laboratoire De Pharmacologie, Inc.:	N. J. no.	Llewellyn Laboratories, Inc.—Contd.	N. J. no.
Santal Midy.....	20950	cinchophen tablets.....	20394
Lahn, P. M.:		grippe tablets.....	20394
ginger, fluidextract.....	1 20554	Kalmolax tablets.....	20394
Lambert's powders:		quinine sulphate tablets.....	20394
Lambert's, Inc. (Laboratories).....	20161	Salacephen tablets.....	20394
Lanno-Rub:		salol capsules.....	20394
Lanno-Rub Chemical Co.....	20919	and phenacetin tablets.....	20394
La Salle Laboratories:		sodium salicylate tablets.....	20394
Nuran tablets.....	20892	Vin: Iodine Comp.....	20394
La Salle's antiseptic powder:		Lowell, E. I.:	
compound cough syrup:		almond oil.....	20728
Diutone tablets:		benzoin, tincture.....	20728
Life Salt:		Carnatine red.....	20728
Uter-Tol tonic:		cassia oil.....	20728
La Salle Medicine Co.....	20557	coumarin.....	20728
Lav-O-Din:		eucalyptus oil.....	20728
Lav-O-Din Co.....	20552	lavender oil.....	20728
Western Chemical Co., Inc.....	20876	Mandarine orange.....	20728
Lavender oil:		mustard oil, artificial.....	20728
Lowell, E. I.....	20728	peppermint oil.....	20728
Le Dure Medicine Co.:		sandalwood oil.....	20728
Ka-Di-Ok compound.....	20592	Luminol (phenobarbital):	
Lee's Dr., Antiseptine powder:		Philadelphia Capsule Co.....	20748
Nervine tonic:		Lymphin:	
pills for kidneys:		Bika Biochemical Laboratories.....	20745
Prescription 3566:		MacIntire, R. E.:	
rheumatic elixir:		Anti-Phymin.....	20726
vegetable female cordial:		MacIntire, R. E. & Co.:	
Wonderful herb tonic:		Anti-Phymin.....	20726
Corey Klein Co.....	20882	Magnesia, milk of:	
Lehrer, Harry:		Honor Research Laboratories.....	20916
La Salle's antiseptic powder:		Schuykill Chemical Co.....	20916
compound cough syrup.....	20557	Mallinckrodt Chemical Works:	
Diutone tablets.....	20557	ether.....	20355, 20369, 20884, 20921
Life Salt.....	20557	Mandarine orange:	
Uter-Tol tonic.....	20557	Lowell, E. I.....	20728
Lesser, Harry:		Marini Laboratories Medicine Co.:	
ginger, fluidextract.....	1 20554	Asmarina.....	20940
Life powder:		Marlin Mineral Water Co.:	
Boerner, Clara.....	20909	Marlin mineral crystals.....	20900
Lifol Co.:		Master poultry capsules:	
Nofal.....	20948	Master Laboratories, Inc.....	20580
Lippincott's One Night roup remedy:		Masterex:	
Lippincott, J. W.....	20156	Master Laboratories, Inc.....	20582
Liquid medicine:		Maydoll D tablets:	
Anderson, W. E.....	1 20554	Mills Sales Co.....	20879
Hall, S. A.....	1 20554	Mayes, E. H.:	
Henners, H. J.....	1 20554	Necro-Cide.....	20904
Hub Products Co.....	20389	McCaffrey, A. A.:	
James, F. E.....	1 20554	Gadoxin.....	20889
Jordan Bros.....	1 20554	McIlvaine Bros.:	
Lahn, P. M.....	1 20554	aloe.....	20388
Lesser, Harry.....	1 20554	fenugreek, ground.....	20388
Pomery, C. M.....	1 20554	McKesson Hall Van Groder Co.:	
Lithia and tongaline tablets:		Tal-O-Rub.....	20152
Mellier Drug. Co.....	20890	McKesson-Langley-Michaels Co.:	
Live Food Products Co.:		orange honey compound cough syrup.....	20384
O. K.-Lax.....	20587	McKesson Merrell Drug Co.:	
Liver medicine, White Cross:		Fem.....	20367
American Drug Co.....	20897	McManus, Joseph:	
Llewellyn Laboratories, Inc.:		Asthmans capsules.....	20748
acetanilid compound tablets.....	20394	Blaud modified capsules.....	20748
Acetphenine tablets.....	20394	calomel compound capsules.....	20748
Bis-Ma-Cal tablets.....	20394	cinchophen capsules.....	20748

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McManus, Joseph—Continued.	N. J. no.	Mouth washes—Continued.	N. J. no.
Cystitans capsules.....	20748	Pyrodo Co.....	20920
Dalgerine capsules.....	20748	Warner's Renowned Remedies Co.....	20352
formin compound capsules.....	20748	Western Chemical Co.....	20876
Luminol (phenobarbital) capsules.....	20748	Mustard oil, artificial:	
Mixed Treatment capsules.....	20748	Lowell, E. L.....	20728
phenyl salicylate capsules.....	20748	National Feeders Corporation:	
Rheumatans capsules.....	20748	National Yeastolized (Medicated) salt.....	20584
salol and acetphenetidin capsules.....	20748	National New York Packing Co.:	
sedative capsules.....	20748	Thynn Tabs.....	20361
sodium salicylate capsules.....	20748	National Pharmaceutical Manufacturing Co.:	
McNess', F. W., Cod Liver Oil Tonic:		belladonna leaves.....	20373
Furst-McNess Co.....	20362	digitalis, tincture.....	20378
Furst & Thomas Co.....	20362	National Pharmacy Co.:	
Mellier Drug Co.:		orange honey compound cough syrup.....	20384
lithia and tongaline tablets.....	20890	National Remedy Co.:	
Menthoform:		B & M external remedy.....	20163
Furst-McNess Co.....	20362	National Yeastolized (Medicated) salt:	
Furst & Thomas Co.....	20362	National Feeders Corporation.....	20584
Menthymoil:		Natural Products Co.:	
Crezoin Chemical Co.....	20575	Cal Spa mineral water.....	20886
Mentoil:		Necro-Cide:	
Mentoil Co.....	20923	Baker-Mayes Co.....	20904
Merchant's Gargling Oil Liniment, Family Use:		Neofem:	
Man or Beast:		capsules:	
Merchant's Gargling Oil Co.....	20376	S. M. Laboratories, Inc.....	20565
Merrell, J. S., Drug Co.:		Neol:	
Fem.....	20367	Gland O Lac Co.....	20738
Midy Laboratories:		Nervine, Dr. Newton's:	
Piperazine Midy.....	20593	De Vore Manufacturing Co.....	20737
Miller Products Co.:		Standard Laboratories.....	20737
Nu-Vita yeast.....	20903	Tan-A-Wa:	
Miller's Anti-Mole:		Tan-A-Wa Medicine Co., Inc.....	20894
Miller manufacturing Co.....	20372	Nervo Forza:	
Millin Drug Co.:		International Pharmacal Co.....	20933
Sal-Va-Sena.....	20386	Pietri, H. A.....	20933
Mills Sales Co.:		Serra, Garabis & Co.....	20933
amidopyrine tablets.....	20879	Nervotol:	
aspirin tablets.....	20879	Brunswick Drug Co.....	20927
flaxseed.....	20941	Vitono Medicine Co.....	20927
Maydall D tablets.....	20879	Nestor Drug & Chemical Co.:	
Mineral compound:		Nestor emulsion of cod-liver oil.....	20905
Economy Hog & Cattle Powder Co.....	20576	Nethery, W. B.:	
Mintol Vapocream:		4-44 (Four Forty Four).....	20375
American Drug Sales Co.....	20880	New England Collapsible Tube Co.:	
Home Relief Laboratories.....	20880	Klinodonto tooth paste.....	20395
Mixed Treatment capsules:		Newton's, Dr., Nervine. See Nervine.	
Philadelphia Capsule Co.....	20748	Niman, S. H.:	
Mixer's cancer and scrofula syrup:		ginger, fluidextract.....	20746
Mixer Medicine Co.....	20943	Nitroglycerin compound tablets:	
Morgan, George:		Studebaker, L. H.....	20167
Morrison's Old English liniment.....	20363	Nofal:	
Morrison's Old English liniment:		Lifol Co.....	20948
Foster, James W., Co.....	20363	North American Co., Inc.:	
Moses' Herb Discovery:		Klinodonto tooth paste.....	20395
Expectorant:		Novolek:	
Moses Remedy Co.....	20583	Health Research Laboratories.....	20928
Mother's Joy salve:		Nu-Vita yeast:	
Goose Grease Co.....	20932	Miller Products Co.....	20903
Rice Chemical Co.....	20932	Numoss:	
Mouth washes:		C. R. Products Co.....	20370
Alhosan Chemical Co.....	20383	Nuran tablets:	
Emme Dental Specialty Co.....	20914	La Salle Laboratories.....	20892
Lav-O-Din Co.....	20552	Obesity Research Bureau, Inc.:	
Or-San Co.....	20352	Thynn Tabs.....	20361



Ointrex Rub Inhalant:	N. J. no.	Philadelphia Capsule Co.—Continued.	N. J. no.
Rex Research Corporation.....	20578	Dalgerine capsules.....	20748
O. K.-Lax:		formin compound capsules.....	20748
Bragg, P. C.....	20587	Luminol (phenobarbital) capsules.....	20748
Live Food Products Co.....	20587	Mixed treatment capsules.....	20748
O. K.-Lax Manufacturing Co.....	20587	phenyl salicylate capsules.....	20748
Ol de Vita:		Rheumatus capsules.....	20748
Bika Biochemical Laboratories.....	20744	salol and acetphenetidin capsules.....	20748
O-Quaka:		sedative capsules.....	20748
O-Quaka Medicine Co.....	20393	sodium salicylate capsules.....	20748
Sigler Drug Co.....	20393	Phoenix Chemical Laboratories:	
Or-Aid:		cactus butter.....	20560, 20585
Or-San Co.....	20352	Photo-Synthetic tea:	
Warner's Renowned Remedies Co.....	20352	Photo-Synthetic Tea Co.....	20360
Or-San Co.:		Pietri, H. A.:	
Or-Aid.....	20352	Nervo Forza.....	20933
Orange honey compound cough syrup:		Piperazine Midy:	
McKesson-Langley-Michaels Co.....	20384	Fougera, E., & Co., Inc.....	20593
National Pharmacy Co.....	20384	Midy Laboratories.....	20593
Orident dental cream:		Serra, Garabis & Co., Inc.....	20593
Orident Laboratories.....	20878	Pirtle's, Dr., Germ-Oil:	
Trade Laboratories, Inc.....	20878	Germ-Oil Co.....	20591
Orth's, Dr., prescription for the stomach:		Potter Drug & Chemical Corporation:	
Orth Laboratory Co.....	20399	Collins plasters.....	20568
Osteon:		Sanfords ginger, fluid extract.....	20569
Bika Biochemical Laboratories.....	20743	Premo aspirin tablets:	
Pacific Coast Proctological Clinic:		Blackman & Blackman.....	20380
P. C. ointment.....	20945	Premo Laboratories.....	20380
Pain Oil:		Pyorrhea paste. See Tooth paste.	
Furst-McNess Co.....	20362	Pyro-Sana:	
Furst & Thomas Co.....	20362	Alhosan Chemical Co.....	20383
Painallay:		Pyrodento:	
Painallay Co.....	20356, 20359	Pyrodento Co.....	20920
Pancreas compound capsules:		Quinine sulphate tablets:	
Beringer, George M., Inc.....	20174	Llewellyn Laboratories, Inc.....	20394
Papoose root beer:		Q. W. sulphur compound solution:	
Zatarain, E. A., & Sons, Inc.....	20553	Q. W. Laboratories.....	20599
Park, Philip R., Laboratories, Inc.:		Radium Cone No. 3:	
Parkelp.....	20911	Radium Cone Co.....	20944
Parkelp:		Thomas, Mrs. C.....	20944
Park, Philip R., Laboratories, Inc.....	20911	ointment:	
Parker Medicine Co.:		Denver Radium Service.....	20351
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Parmint:		Rawleigh, W. T., Co.....	20579
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<sup>1</sup> Contains an opinion of the court.

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<sup>1</sup> Contains an opinion of the court.

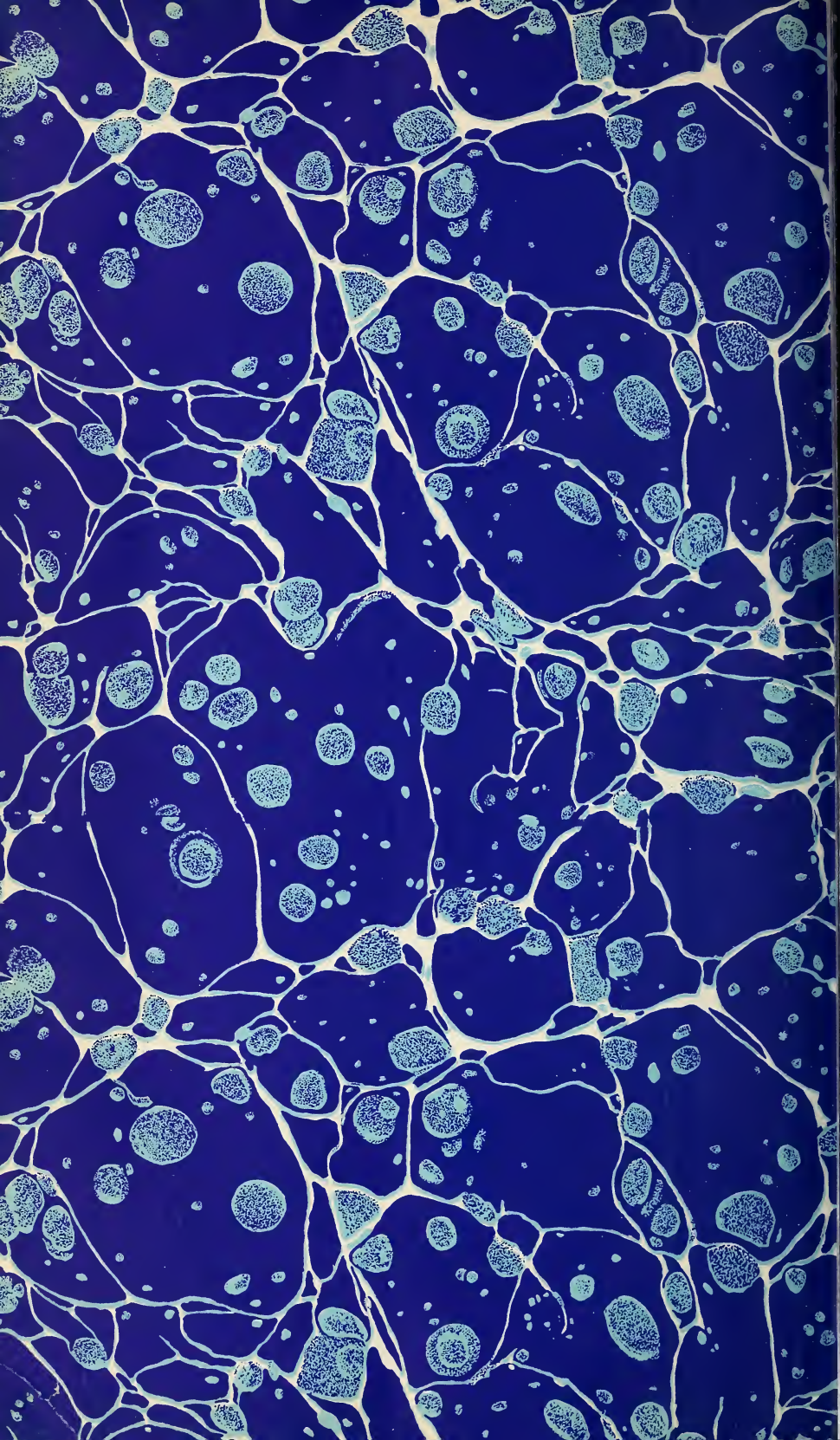


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